Al-Mīzān

An Exegesis of the Qur'an

ʿAllāmah al-Sayyid Muḥammad Ḥusayn al-Ṭabāṭabāʾī

Translated by: ʿAllāmah Sayyid Saʿīd Akhtār Rizvī

Edited by: Tawheed Institute Australia

Volume 8
Second Edition (2022)

All rights reserved © 2022
English translation
Second Edition 1443/2022

Translated from the original Arabic titled: *al-Mīzān fī tafsīr al-Qurʾan*,
Beirut, 1393/1973 (3rd ed.)

Published by Tawheed Institute Australia Ltd.
Sydney, Australia
www.tawheed.com.au

In the Name of Allah,
the Beneficent, the Merciful.

All praise is due to Allah, the Lord of the Worlds;
the Beneficent, the Merciful;
the Master of the Day of Judgment;
Thee only we serve, and to Thee alone we beseech
for help;
Guide us in the straight path;
The path of those upon whom Thou hast bestowed
favors,not of those against whom Thou art
wrathful, nor of those who are astray.

O' Allah! send Your blessings to the head of
Your messengers and the last of
Your prophets,
Muḥammad and his pure and cleansed progeny.
Also send Your blessings to all Your
prophets and envoys.

Contents

Publisher's Note viii
Foreword ix
About the Translator x
About the Author xi

Chapter 4: *Āl-Nisāʾ* (The Women)

Verse 11–14 1
A General Discourse on Inheritance 12
Examining Narrations 17
An Academic Essay on Inheritance 27
How Inheritance Began 27
Gradual Development of Inheritance 27
Inheritance in Civilized Nations 28
What Did Islam Do in Such a Situation? 31
The Position of Women and Orphans in Islam 34
Modern Inheritance Laws 36
Comparison of these Codes: One with Another 38
Will and Testament 39
Verses 15–16 40
Examining Narrations 43
Verses 17–18 45
A Discourse on Repentance 53
Examining Narrations 62
Verses 19–22 65
Examining Narrations 71
Verses 23–28 75
Examining Narrations 102
A Review of Traditions About *Mutʿah* Marriage 110
Traditions on the Recitation: "For a Fixed Period" 112
Some Traditions showing that the *Mutʿah* was abrogated by the Qur'an 113
Some Traditions showing that the *Mutʿah* was abrogated by the Sunnah 113
Some Traditions of some Companions and their Disciples about Lawfulness of the *Mutʿah* 116

Some Traditions showing that it was ʿUmar
who had forbidden the *Mutʿah* 118
An Exegete's Claims and our Comments..... 123
An Academic Discourse [Meaning of "Son" in Shariah] 138
Another Academic Discourse [Philosophy of
Prohibition of the Women of Prohibited Degree] 140
Verses 29-30 145
Examining Narrations..... 151
Verse 31 153
Great and Small Sins and Expiation of Evils..... 154
Examining Narrations..... 164
Verses 32–35 169
A Qur'anic Reality..... 172
A Discourse on Men's Authority Over Women 181
Examining Narrations..... 183
Verses 36–42 190
Examining Narrations..... 196
Verse 43 198
Examining Narrations..... 200
Verses 44-58 202
Examining Narrations..... 223
Verses 59-70 233
Examining Narrations..... 261
Verses 71-76 271
Sense of Honor Vis-a-vis Bigotry..... 278
Examining Narrations..... 280

Arabic Transliteration Key

Arabic Letters	Transliteration	Arabic Letters	Transliteration
ا	ā	ع	ʿ
ب	b	غ	gh
ت	t	ف	f
ث	th	ق	q
ج	j	ك	k
ح	ḥ	ل	l
خ	kh	م	m
د	d	ن	n
ذ	dh	ه	h
ر	r	و	w/ū
ز	z	ى	y/ī
س	s	ء	ʾ
ش	sh	ة	-
ص	ṣ	ـَ	a
ض	ḍ	ـَ	i
ط	ṭ	ـُ	u
ظ	ẓ		

almizan.org
almizan.org
almizan.org

Publisher's Note

In an effort to make the text more accessible to English-speaking readers, the editors have chosen to use English names for the prophets and figures (as listed below but not limited to) and to use Anglicized terms that now appear in English dictionaries.

Ādam	Adam	Mūsá	Moses
David	David	Sulaymān	Solomon
Aaron	Aaron	Shuʿayb	Jethro
Ibraḥīm	Abraham	Yaʿqūb	Jacob
ʿĪsā	Jesus	ʾAyyūb	Job
Isḥāq	Isaac	Yūshaʿ	Joshua
Ismāʿīl	Ishmael	Joseph	Joseph
Jibrāʾīl	Gabriel	Zakariyyā	Zachariah
Mary	Mary	ʿUzayr	Ezra

Arabic terms and names have been transliterated according to the *International Journal of Middle East Studies* (*IJMES*).

For ease of reading, glyphs and traditional honorifics such as "peace be upon him" or (s.a.w.) which are commonly used as a gesture of respect after the name of the Prophet Muḥammad, the Imāms, or other sacred figures have been omitted from this text. No disrespect is intended, and may God's peace and blessings be upon them all!

almizan.org

Foreword

This second edition volume 7 of *Tafsīr al-Mīzān* comprises of the *tafsīr* of sixty six verses (11 to 76) of Sūrah Āl-Nisāʾ which is a continuation from Eng. volume 7.

In this volume, the issue of inheritance and succession is discussed from different angles in eight sections. There are also several brief discussions about repentance, major sins, minor sins, atonement of sins, specification of the relatives with whom it is lawful to marry, and the meaning of the authority of men over women. The last discussion of this volume concerns the Qur'anic view of honor and prejudice.

Tawheed Institute Australia Ltd are thankful to those who took the painstaking task of editing the first Eng. volume (previously published by WOFIS) and to bring this new edition to completion. We hope the readers will welcome this edition with much enthusiasm.

Tawheed Institute Australia Ltd
January, 2022

almizan.org
almizan.org

About the Translator

The late ʿAllāmah Sayyid Saʿīd Akhtār Rizvī was one of the most sincere preachers of Islam and an active scholar, both when he was in Tanzania in the Bilāl Muslim Mission (an Islamic organization active in Tanzania), and also when he returned to his own country of India. In the way of spreading Islam he has rendered enormous services and has been most active.

ʿAllāmah Sayyid Saʿīd Akhtār Rizvī had written scores of books and booklets in English, Urdu and Swahili, many of which have been published; and some other titles which have been published by WOFIS. Some of his books have been translated and published by in French, Italian, Japanese, Thai, Indonesian, Hausa and other languages.

almizan.org

almizan.org

About the Author

The late Islamic scholar, thinker, and philosopher, ʿAllāmah al-Sayyid Muḥammad Ḥusayn al-Ṭabāṭabāʾī came from the celebrated Ṭabāṭabāʾī family of Tabriz. For the last three centuries, this family has produced generation after generation of renowned religious scholars in Azerbaijan (Iran). They are descendants of the second Imām, al-Ḥasan b. ʿAlī (peace be on both of them). The clan is also referred to with the title, al-Qāḍī.

ʿAllāmah al-Ṭabāṭabāʾī was the son of al-Sayyid Muḥammad b. al-Sayyid Muḥammad Ḥusayn al-Ṭabāṭabāʾī. ʿAllāmah was born in Tabriz on 29 Dhū al-Ḥijjah 1321/17 March 1904. His father died in 1330 (1912). The orphaned child grew up in Tabriz, and after completing his religious education there, around 1341 (1923), he went to Najaf (Iraq), the most important center of Shia religious learning.

In Najaf, he began his higher studies with such illustrious scholars as Shaykh Muḥammad Ḥusayn Nāʾīnī al-Gharawī (1277–1355/1860 or 1861–1936), the son of Shaykh al-Islām ʿAbd al-Raḥīm, and Shaykh Muḥammad Ḥusayn al-Gharawī al-Iṣfahānī (1296–1361/1878–1942), the son of al-Ḥājj Muḥammad Ḥasan, Muʿīn al-Tujjār.

These two were among the most prominent scholars in the Shia world. They were among the most prominent scholars not only in the fields of Shia jurisprudence and principles of jurisprudence, but in all Islamic subjects. Their opinions and theories are still followed today. Each founded his own school of thought and trained thousands of Shia scholars and jurists; and all the *marājiʿ al-taqlīd*[1] of the Shia world, to this day, are their students. Shaykh Muḥammad Ḥusayn al-Gharawī al-Iṣfahānī was a philosopher, unsurpassed in his time; a man of literature; and a poet in Arabic and Persian; he was a genius whose achievements made others look up to him as their ideal. Shaykh Nāʾīnī, with his bold opinions and decrees in the political and social life of the Muslim *umma*, has carved for himself a niche in history.

ʿAllāmah al-Ṭabāṭabāʾī was much influenced by these two teachers,

---

1 The highest authorities of Islamic jurisprudence (*fiqh*) whose rulings are followed by others. [Pub.]

particularly by al-Iṣfahānī, in the development of his thought and knowledge. A third influence was that of al-Sayyid Abū al-Qāsim Jaʿfar Khwānsārī (1313– 80/1895 or 1896–1961), the son of al-Sayyid Muḥammad al-Moseswī, known as "the mathematician." ʿAllāmah al-Ṭabāṭabāʾī was proud to have studied mathematics with him, and also wrote a book on higher mathematics, in which he applied some special theories of his teacher.

ʿAllāmah studied philosophy and metaphysics from al-Sayyid Ḥusayn al-Ḥusaynī Bādkūbahʾī; the latter was a student of al-Sayyid Riḍā, who studied with al-Sayyid Moses, a well-known teacher of philosophy and related subjects. In the fields of ethics and spirituality, ʿAllāmah received his training from his relatives, al-Sayyid ʿAlī al-Qāḍī (1285–1366/1869–1947), a well-known scholar who established a school of spiritual and ethical training which still flourishes today.

All these influences combined to create in ʿAllāmah al-Ṭabāṭabāʾī a well-balanced academic and spiritual personality. He was a well-respected authority on religious subjects of jurisprudence and its fundamentals; a philosopher of independent views and new theories; and an inspired model of ethical and spiritual perfection. He not only taught morality, but also lived it. Yet it is also correct to state that his scholarship was overshadowed by his fame and prestige as a philosopher and a spiritual man.

ʿAllāmah al-Ṭabāṭabāʾī returned to Tabriz in 1353/1934, where he was welcomed as a religious scholar. There he spent his time teaching higher philosophy to willing disciples—but it was a small place for his talents. In 1364/1945 he migrated to Qum, the most important center of religious education in Iran. In Qum, he remained engaged in imparting the knowledge of ethics, philosophy, and the exegesis of the Qurʾan to those students who had already attained a high level of erudition. There he remained until his death on Sunday, 18 Muḥarram 1402/15 November 1981. May God bestow His mercy on him. Amen.

Many religious leaders of the present generation were and are among his students and disciples, the most famous being the late Murtaḍā Muṭahharī (1338–99/1920–79).

ʿAllāmah al-Ṭabāṭabāʾī's fame rests on his academic works—the most important being his great exegesis of the Qurʾan, *al-Mīzān fī tafsīr al-Qurʾān.* It is said to be the foundation stone of the academic prestige which ʿAllāmah al-Ṭabāṭabāʾī was accorded in the Muslim world.

Among his other works is *Uṣūl-i falsafah va ravish-i riʾalism* [Practical and Philosophical Principles of Realism]. This book is a comparative

study of Islamic philosophy and various modern anti-Islamic schools of thoughts, especially Marxism. His disciple, the late Murtaḍā Muṭahharī, annotated this work, thus making it easily accessible to the average man.

A third book, *Shiʿa dār Islām*, was first published in Persian; later it was published in English with the title, *Shiʾite Islam.* The ʿAllāmah wrote this book on the request of Professor Kenneth Morgan of Colgate University, to introduce Shiism to the West.

However, it is his *tafsīr, al-Mīzān* (published in 20 volumes in Arabic) which presents the true picture of the author's academic style and his way of thinking. In the preface to volume 1, the author outlines his plan, to explain the Qurʾan with the help of the Qurʾan itself. This he faithfully does, all the way through to the end of the *tafsīr*.

almizan.org

almizan.org

almizan.org

Chapter 4

Sūrah Al-Nisāʾ

almizan.org

Verse 11–14

بِسْمِ ٱللَّهِ ٱلرَّحْمَٰنِ ٱلرَّحِيمِ

In the name of Allah, the most Merciful, the most Compassionate[1]

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ ۖ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنْثَيَيْنِ ۚ فَإِنْ كُنَّ
نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۖ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ
وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ ۚ فَإِنْ لَمْ
يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ
السُّدُسُ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۗ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا
تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةً مِنَ اللَّهِ ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا
حَكِيمًا ﴿١١﴾

(4:11) ***Allah enjoins you concerning your children: The male shall have the equal of the portion of two females; then if they are***

---

1 *Bismillāh al-Raḥmāni al-Raḥīm* is a part—in fact, the first verse—of every chapter except the ninth. It is the well-known and unanimous verdict of the Ahl al-bayt who according to the Prophet were inseparable Companions of the Qur'an. According to al-Zamakhsharī, the reciters and jurists of Mecca and Kūfah, as well as al-Shāfiʿī and his followers are of the same view, as was Ibn ʿAbbās, who said that whoever leaves *Bismillāh* … , leaves 114 verses of the Book of God. (Vide al-*Kashshāf*, Beirut, vol. 1, pp. 24–26)
But the author has followed the system of numbering used by the majority of the Muslims (including the Ḥanafites, the Mālikites and the reciters of Baṣrah and Syria) whereby they do not count it as a verse. Probably, he has done so to avoid confusion in references. [Trans.]

more than two females, they shall have two-thirds of what (the deceased) has left, and if there is one, she shall have the half; and (as for) his parents, each of them shall have the sixth from what he has left if he has a child, but if he has no child and (only) his two parents inherit him, then his mother shall have the third; but if he has brothers, then his mother shall have the sixth after (the payment of) any bequest he may have bequeathed or a debt; your parents and your children, you know not which of them is the nearer to you in usefulness; an ordinance from Allah: Surely Allah is knowing, Wise.

*al-Īsā*ʾ and *al-tawsiyah* means to entrust, to enjoin; al-Rāghib says:

> *al-Wasiyyah* is to direct someone —with a shade of exhortation—to do something.

The use of the word *al-awlād* (children) instead of *al-abnā*ʾ (sons) shows that the rule of one or two shares is restricted to the deceased's immediate children. As for the children's children, how low so ever, they should get the share of their progenitor through whom they are connected to the deceased; thus a son's daughter would get two shares while a daughter's son would be given one share—provided there is no one nearer to take their precedence. Likewise, the offspring of brothers and sisters would get the share of him or her through whom they are connected to the deceased. [All this is inferred from the word, *al-awlād* whose root word signifies birth.] But the word, *al-b.* (son) does not necessarily mean immediate child, as the word, *al-ab* (father) may be used in a general sense for other than the immediate progenitor.

As for the divine words at the end of the verse: *your parents and your children, you know not which of them is the nearer to you in usefulness,* we shall explain later that there is a special consideration which has made the word, *al-abnā*ʾ (*lit.* sons) preferable to *al-awlād* (children).

The expression, "The male shall have the equal of the portion of two females", was chosen to point to the nullification of the system prevalent in the era of ignorance whereby women were not given any share in inheritance. This expression takes the females's share as granted and confirmed,and based the male's share on it—that it is double of it. Or let us say that the female's share is treated as the yardstick of legislation and the male's share is fixed with its help. If it were not for this consideration, it could simply be said: the female shall have the half of the male's share;

but it would not have given that connotation, and the context would have changed—as you may see. This theme has been mentioned by a scholar and the point seems well-established. The idea is also strengthened by the fact that the verse does not describe explicitly and independently except the women's shares; if and when it explains some of men's shares it is always done as an adjunct to the women's shares, as may be seen in the following verse and in the verse at the end of this chapter.

In short, the statement, "The male shall have the equal of the portion of two females", explains the beginning clause "God enjoins you concerning your children". The definite article in "the male" and "the two females" denotes genes or category, i.e., the category of male is equal in share to the two of the female category. This principle shall be applied when there are males and females among the heirs, as the male shall have twice the share of a female. The verse did not use such expressions as, "The male shall have equal to two shares of a female", or, "double of a female's share"; because the chosen expression explains also the share of two females when they are the only heirs, as will be explained later—and all this with such brevity.

In any case, when there are males and females among the heirs, every male shall have two shares and every female one share—no matter what their number may be.

... then if they are more than two females, they shall have two-thirds of what (the deceased) has left,: This sentence, coming after the preceding one, *The male shall have the equal of the portion of two females,* apparently shows that it is in conjunction with a deleted but understood clause, i.e., 'This law is when there are males and females among the heirs', but if they are more than two females ... Such deletion is common in usage. For example, look at the following two verses:

> *And complete the* hajj *and ʿumrah for Allah, but if you are prevented, (send) whatever offering is easy to obtain* (2:196).
>
> *For a counted number of days; but whosoever among you is sick or on a journey, then (he shall fast) a (like) number of other days* (2:184).

The conjunctive personal pronoun hidden in the verb *kunna* (they are) refers to the 'children' (in the phrase, "your children"); the feminine gender has been used to make it agree with the predicate 'females'; the other such pronoun hidden in the verb, "has left", refers to 'the deceased', which is understood from the context.

... and if there is one, she shall have the half,: The pronoun refers as

above to the "the child", understood from the context, and its feminine form agrees with the predicate; "the half" refers to the half of what the deceased has left—thus the definite article stands for the second construct of the genitive case.

The verse is silent about the share of two females, because it may be understood from the clause: *The male shall have the equal of the portion of two females.* Let us suppose there is a male and a female heir; according to this verse, the female shall have a third of the estate and the male, the two-thirds—as it is the share of the two females. In other words, two females shall have two-thirds of the inheritance. This much may be inferred from the verse in a general way, but it is not in itself the verse's definitely fixed connotation; there would have been no contradiction if the verse had continued to say, for instance, and if there are two females they shall have a half (or the whole) of the estate. But the verse by its silence about their share confirms the inferred meaning; and the clear statement about the share of the more than two females indicates that the silence is intentional, and not an oversight. Moreover, the fact that they should get two-thirds of inheritance is confirmed by the Prophet's practice, and the said *sunnah* has continued uninterrupted since the days of the Prophet till this day, with complete unanimity of the Muslim jurists—except one reported dissent by Ibn ʿAbbās.

This is the best explanation why the two females' share has not been clearly stated. al-Kulaynī (may God have mercy on him!) has written in *al-Kāfī:* "Surely God has appointed the two females' share as two- thirds; because He says: *The male shall have the equal of the portion of two females*; so when a man leaves a daughter and a son, the male shall get the equal of the two females' share, that is, two-thirds; therefore the share of two females is two-thirds. After this, there was no need to say that two females would get two-thirds."

The same explanation has been quoted from the exegete, Abū Muslim: "(The said rule) is inferred from the divine words, *The male shall have the equal of the portion of two females.* A male with a female gets two-thirds; thus two-thirds shall be the share of two females." But these two explanations are not perfect; they should be completed in the light of what we have written above. Ponder on it.

There are some other explanations given for this verse which are quite unworthy of divine words. For example, someone has written that the words; *if they are more than two females,* means, two females or more;

thus this sentence contains the description of the share of two females as well as of more than two. Another writer has said that the share of two daughters is known by analogy from the law concerning two sisters (coming at the end of the chapter) where it apportions two-thirds to them. There are other similarly ridiculous claims.

... and (as for) his parents, each of them shall have the sixth of what he has left if he has a child ... then his mother shall have the sixth: The conjunction of parents with the law of the children, shows that the parents are co-sharers with the children and together they constitute one class. The words: "and (only) his two parents inherit him", indicate that they are the only heirs. The words: "but if he has brothers", (coming after the clause: "but if he has no child and [only] his two parents inherit him") show that brothers come into second class, after the class of sons, daughters [and parents], and they would not inherit as long as there is an heir of the first class—but the brothers shall partially exclude the mother from one-third [as it would be reduced to one-sixth].

... after (the payment of) any bequest he may have bequeathed or a debt;: Bequest and will has been enjoined by the divine words: *Bequest is prescribed for you when death approaches one of you, if he leaves behind wealth ...* (2:180). Although in this verse bequest precedes debt, it does not contradict the *sunnah* which says that debt takes precedence of bequest at the time of payment; because sometimes during a talk one mentions less important things first and then progresses towards more important ones. It is done when an important matter, because of its position and strength, does not need as much emphasis as the unimportant one does—and giving precedence in description is one way of emphasizing. Accordingly, the words: "or a debt", put the things in ascending order or importance.

This also shows why "bequest" has been qualified by the words, "he may have bequeathed"; it puts further emphasis on it, and also points to the necessity of showing reverence to the deceased and honoring his wishes when he has made a bequest. God has said: *Whoever then alters it* [that is, the bequest] *after he has heard it, the sin of it then is only upon those who alter it* (2:181).

... your parents and your children, you know not which of them is nearer to you in usefulness;: It is addressed to the heirs, that is, the general public, inasmuch as everyone inherits his deceased relatives. The sentence alludes to the reason why the inheritance share of the parents differs from that of the children. It also provides a sort of education to them; that is

why they have been addressed with the words: "you know not"; and such expressions are commonly used by the people.

Had the verse been addressed to other than the heirs, i.e., to the dying people who would, after their death, be inherited by their parents and children, there would have been no reason to say: "which of them is nearer to you in usefulness"; because apparently usefulness and benefit implies making use of, and benefitting from, the inherited property, and it fits on the heirs, not on the deceased.

The parents have been mentioned before the children; it is a sort of a hint that the parents are nearer in benefit than the children. It is like the verse: *Surely the Safwah and the Marwah are among the signs of Allah ...* (2:158), as we had quoted the tradition that the Prophet had said: "I begin with what God has begun"

From the point of view of relationship and considering the human sentiments, it is a fact that man feels more compassion towards his children than towards his parents. In his eyes, his child's existence is his own—but not so that of his parents. Man's parents have stronger connection with him, when compared to his children's attachment to him. When usefulness is based on this principle, then at the time of dividing an inheritance, man should naturally get, for example, from his father a greater share than he would from inheriting, for example, his son—although it would appear from a superficial glance that the opposite should be the case.

This verse (i.e., *your parents and your children, you know not which of them is nearer to you in usefulness*) proves that God has based the inheritance law on a creative reality found outside imagination—like other natural Islamic laws.

This principle is also supported by other unrestricted Qur'anic verses which speak about legislation in general. For instance: *Then set your face uprightly for the (right) religion in natural devotion (for the truth)*; *the nature made by Allah in which He has made men; there is no alteration in the creation of Allah; that is the right religion* (30:30). In presence of such verses, it is unthinkable that the sharīʿah would contain such compulsory and unchangeable rules and laws, without there being to a certain extent basis for them in the creation.

It may possibly be inferred from this verses (*your parents and your children* ...) that children's children would have precedence over grandfathers and grandmothers; the grandparents will not inherit as long as a child or a child's child [how low so ever] is present.

... an ordinance from Allah ..: Apparently it is in accusative case governed by a deleted verb, e.g., obey, or, hold fast, etc. It has a reinforced emphasis that the described shares are decreed and fixed, and that they cannot be changed.

This verse prescribes the shares of the first class of the heirs, i.e., the children, the father and the mother, with all the variations, either explicitly or implicitly.

Explicitly: Shares of the father and the mother: They get a sixth each if the deceased has a child or children; but in the absence of children, the mother gets either one-third or one-sixth (depending on the details mentioned in the verse);

Share of a single daughter: She gets a half;

Share of several daughters when they are the only children: They get two-thirds;

Shares of sons and daughters when they are together: The male shall have the equal of the share of two females;

And to this is added the share of two daughters, and it is two-thirds, as explained above.

Implicitly: Share of the only son: He shall get the whole property; it is understood when we read the clause: *The male shall have the equal of the portion of two females,* in conjunction with the clause, *and if there is one* [daughter], *she shall have the half.*

Likewise, when he has left only the sons as heirs, they shall share it among themselves equally, because the clause, *The male shall have the equal of the portion of two females,* indicates that the males shall have equal shares among themselves.

The verse is truly amazing in its comprehensiveness with such brevity.

It should be noted here that the verse with its unrestrictedness shows that there is no difference whatsoever—in matters of inheritance—between the Prophet and the other people. We have seen similar unrestrictedness or generality in the divine words: *Men shall have a share of what the parents and the near relatives leaves, and women shall have a share ...* (4:7). Someone has opined that the general Qur'anic declarations are not applicable to the Prophet, because he had announced them himself. But such views are not worth looking at. Of course, there is a dispute between the Sunnīs and the Shīʿahs whether a prophet is inherited by his heirs or whatever he leaves goes to charity. This originates from the tradition which Abū Bakr had narrated in the case of Fadak. This discussion is beyond

the scope of this book; therefore we think it better not to go into it here; the reader should consult relevant books for it.[1]

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ ۚ فَإِنْ كَانَ لَهُنَّ
وَلَدٌ فَلَكُمُ الرُّبُعُ مِمَّا تَرَكْنَ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ ۚ وَلَهُنَّ
الرُّبُعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ ۚ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ
الثُّمُنُ مِمَّا تَرَكْتُمْ ۚ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ۗ وَإِنْ كَانَ رَجُلٌ
يُورَثُ كَلَالَةً أَوِ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ ۚ فَإِنْ
كَانُوا أَكْثَرَ مِنْ ذَٰلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۚ مِنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا
أَوْ دَيْنٍ غَيْرَ مُضَارٍّ ۚ وَصِيَّةً مِنَ اللَّهِ ۗ وَاللَّهُ عَلِيمٌ حَلِيمٌ ﴿١٢﴾

(4:12) ***And you shall have half of what your wives leave if they have no child, but if they have a child, then you shall have a fourth from what they leave after (payment of) any bequest they may have bequeathed or a debt, and they shall have the fourth from what you leave if you have no child, but if you have a child then they shall have the eighth from what you leave after (payment of)***

1 The alleged tradition of Abū Bakr and the opinion based on it—that the prophets neither inherit anyone, nor anyone inherits them—is not so irrelevant to the exegesis of the Qur'an; because it goes directly against several Qur'anic verses, and accordingly it is necessary, for the purpose of removing any possible misunderstanding, to point to this contradiction. Suffice it to say that this tradition and the opinion are not only against the general and clear meanings of the verses of inheritance, but are also contradicted by some other verses. God says: *And Solomon inherited from David* (27:16); again He says quoting Zachariah's invocation: *And surely I fear my relatives after me, and my wife is barren, therefore grant me from Thyself an heir, who should inherit me and inherit from the children of Jacob* (19:5–6). These verses cannot refer to prophethood or divine knowledge, because prophethood and divine knowledge come directly from God, they are not a thing to be inherited, nor was there any need for Zachariah to fear his relatives that they would take over the prophethood after him. The verses simply refer to inheritance of property (or, in case of the first verse, the Kingdom). Here we find Solomon and John inheriting properties from their fathers, David and Zachariah respectively; and all of them were prophets. Thus according to the Qur'an two prophets left their properties to their heirs, and two prophets inherited them. [Trans.]

a bequest you may have bequeathed or a debt; and if a man or a woman leaves property to be inherited by neither parents nor offspring, and he (or she) has a brother or a sister, then each of them two shall have the sixth, but if they are more than that, they shall be sharers in the third after (payment of) any bequest that may have been bequeathed or a debt that does not harm (others); this is an ordinance from Allah: and Allah is Knowing, Forbearing.

The meaning is clear. The half share has been described in possessive case, "half of what your wives leave"; but the one-fourth share is disconnected; and they shall have the fourth from what you leave; when on such occasions a possessive construct is disjointed, it becomes necessary to complete it with *min* (from)—either in words or implied and understood. This *min* gives the connotation of taking from and beginning; this meaning seems appropriate when the word related to *min* is a negligible portion of the whole, when it is a small part or ratio of the original, like one-sixth, one-fourth or one-third; but not when it is a larger portion like a half or two-thirds. That is why God has said: sixth from what he has left; the mother shall have the third; you shall have a fourth from what they leave—all this with disjointed possessive. But He has said: *half of what your wives leave; two-thirds of what (the deceased) has left*—all this in possessive case; also He has said: *she shall have the half* as the definite article, "the", stands for the second construct of the possessive case, i.e., half of what he has left.[1]

---

1 This explanation may be correct to a certain extent only. It is not all inclusive. For instance, the author has had to explain a single construction in two different ways to suit his purpose. Where the Qur'an says that, *the mother shall have the third*, he has implied that there is a *min* (from) hidden after it; but in another exactly the same construction, *she shall have the half*, he says that the word, *the*, stands for the deleted possessive construct, that is, it means, half of what the deceased has left. It is an arbitrary way of interpretation.
We may interpret the verses in a more realistic way if we take the preposition, *min* (from) to denote, not the beginning, but *al-tabʿīd* (portioning), e.g., if we interpret, *fourth from what you leave*, as a fourth of a portion of your estate. Where the Qur'an uses the possessive case, it means that the prescribed share or ratio is to be taken out from the whole of the estate; and where it prescribes a certain share "from it", it means that the said heir shall get that share, not from the whole estate, but only from a part of it.
Now let us look at each clause in this light:

... and if a man or a woman leaves property ... and Allah is Knowing, Forbearing: *al-Kalālah* is in fact a *masdar* which means to encompass; from it is derived *al-iklīl* (crown) because it encircles the head; also *al-kull* (whole, all, total) comes from it because it encompasses its parts; another derivative is *al-kall* (to be tired, dull); it implies a sort of wearisome encompassing against the one on whom he depends. al-Rāghib says:

> *al-Kalālah* is an heir other than the child and the father. Again he says: It has been narrated that the Prophet was asked about *al-kalālah.* He said: 'He who dies and does not leave behind a child or a parent.' Thus he (the Prophet) has taken it as an attribute of the deceased; and both explanations are correct, because *al-kalalāh* is a *masdar* which encompasses the inheritor and the

---

and (as for) his parents, each of them shall have the sixth from what he has left if he has a child: The eldest son is entitled to *al-habwah* (lit, gift; here it denotes gift of some personal effects of his father, like ring, sword, etc.) from the original estate before it is divided among the heirs. Therefore, the parents will not get one-sixth of the whole estate, as they will not get any share from the said *habwah*; hence *'the sixth from',* not 'the sixth of'.

... And you shall have half of what your wives leave if they have no child, but if they have a child, then you shall have a fourth from what they leave: When there is no child, the husband gets half of the whole property. But when there is a child, the son shall get the *habwah* before the estate is divided, so the husband will get a fourth of a portion of estate.

... and they [wives] *shall have the fourth from what you leave if you have no child, but if you have a child then they shall have the eighth from what you leave:* The wives never get their one-fourth or one-eighth share from the whole estate. It is because they are not entitled to any share in land; and as for other immovable property (like house, garden, etc.) they get only the price of their prescribed share, but not the property itself; and in case of there being a son, he is given the *habwah* before the division. Thus the wife always gets her one-fourth or one-eighth from only a portion of the estate.

Other clauses, where possessive case has explicitly or implicitly been used, indicate that the heir gets his/her share from the whole estate. For example:

then if they are more than two females,they shall have two-thirds of what (the deceased) has left;

and if there is one,she shall have the half: but if he has no child and (only) his two parents inherit him, then his mother shall have the third.

It is now clear that the two different styles have been used to describe two different legal eventualities. There is a solid legal reason behind the use of possessive case and that of the preposition, *from.* It is neither for literary beauty nor for denoting largeness or smallness of a prescribed share. [Trans.]

inherited, both.

Author's comments: In that case, it is possible to treat *kāna* (was)—it is not included in the translation of the verse,) as an auxiliary verb, and "a man", as its subject, with *"to be inherited"*, as an adjectival phrase related to the said subject, and *al-kalālah* as its predicate. Then the meaning will be as follows: and if a man or a woman who is to be inherited is neither a parent nor an offspring of the heir.

Also, we may take *kāna* (was) as a perfect verb, with, *"a man or a woman to be inherited"*, as its subject, and *kalālah* as a *masdar* used as a circumstantial clause. The meaning again will be the same: that the deceased is neither a parent nor an offspring of the heirs. al-Zajjāj has reportedly said: According to those who have recited *yūrithu* (makes someone his heir), *kalālah* will be the object; and according to those who recite *yūrathu* (is inherited by), *kalālah* is a subjective, being a circumstantial clause.

The clause, *that does not harm (others)*, also is a subjective and a circumstantial clause. *al-Mudārrah* (to harm, to impair). Obviously, it forbids the dying person to harm the heirs through the debt; he should not indulge in borrowing with intention of harming the heirs and depriving them of inheritance. Another interpretation: He should not harm their interest by bequeathing more than one-third of his property.

تِلْكَ حُدُودُ اللَّهِ ۚ وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا
الْأَنْهَارُ خَالِدِينَ فِيهَا ۚ وَذَٰلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ
وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ ﴿١٤﴾

(4:13-14) ***These are Allah's limits; and whoever obeys Allah and His Messenger, He will cause him to enter gardens beneath which rivers flow, to abide in them; and this is the great achievement. And whoever disobeys Allah and His Messenger and goes beyond His limits, He will cause him to enter fire to abide in it, and he shall have an abasing chastisement.***

al-Hadd means a barrier between two things which prevents their mixing together and keeps their mutual distinction and differentiation intact, like the limit or boundary of a house or a garden. The word, as used here, refers to the inheritance laws and the decreed shares. God has shown their utmost importance by describing, in these two verses, the

reward of obeying God and His Messenger in this respect, and the abasing everlasting chastisement for him who disobeys God and His Messenger.

A General Discourse on Inheritance

These two verses: *Allah enjoins you concerning your children ... Allah is Knowing, Forbearing;* together with the verse at the end of the chapter: *They ask you for a decision of the law. Say: "Allah gives you a decision concerning the person who has neither parents nor offspring ..."* [4:176], in conjunction with the previously explained verse: *Men shall have a share of what the parents and the near relatives leave* [4:7] and the verse: *and the possessors of relationship have the better claim in the ordinance of Allah to inheritance ...* (33:6; 8:75), give the fundamental Qur'anic principles of inheritance in Islam; and the traditions provide the explanations in clearest terms.

The principles, which are inferred from them and form the basis of detailed laws, are as follows:

1) The principle already explained under the verse: *your parents and your children, you know not which of them is the nearer to you in usefulness.* It shows clearly that nearness and distance from the deceased has effect on inheritance. Also, this sentence, read in conjunction with the rest of the verse, shows that this matter affects the share of inheritance—whether the heir would get a larger or smaller portion. When it is read together with the divine words: *and the possessors of relationship have the better claim ... to inheritance,* it guides us to the principle that a nearer relative debars a remoter one from inheritance.

The nearest of all to the deceased are his father, mother, son and daughter, because their relationship with the deceased is direct; there is no intermediary between him and them. The son and the daughter debar the grandchildren from inheritance, because the grandchildren are related to the deceased through the children. Of course, if there is no child, then grandchildren will take their place.

Then comes the second class of heirs, i.e., the deceased's brothers, sisters, grandfathers and grandmothers; they are related to him through one intermediary link only, that is, through his father or mother. [If there is no brother or sister, then] their children will take the place of their father or mother. Every nearer generation will debar the remoter one, as explained above.

After that comes the third class of the heirs. They are the deceased's

paternal uncles and aunts and maternal uncles and aunts. There are two intermediary links between them and him, i.e., a parent and a grandparent. The other details are the same as above.

The principles of nearness and remoteness also shows that an heir having a double relationship will debar the one having a single relationship. For example, a consanguine brother or sister debars an agnate brother or sister, although a uterine brother or sister is not debarred.[1]

2) Another type of precedence or sequence is found among the heirs from another angle. Sometimes various shares combine in such a way that their sum-total exceeds the original. Now there are some heirs whose share has been reduced to another fixed ratio in case of such "crowding"; for example, husband's share is a half, but when he is joined by a child, his share is reduced to one-fourth; the same thing happens to the wife with her one-fourth and one-eighth. Likewise, mother is allotted a third, but in case of there being a child or brothers, her share is reduced to one-sixth; but father's share remains the same—one-sixth—whether there is a child or not.

On the other hand, there are heirs whose share has been fixed, but nothing has been said about it in case of "crowding". For example, one daughter or sister, and two or more daughters or sisters have been given a half and two-thirds, respectively, but nothing has been said concerning them when the heirs seem to crowd together.

It is inferred from this difference in approach that the former heirs are not to suffer any further loss in cases where the sum-total of shares exceeds the original; the loss, whatsoever, shall be borne by the latter heirs who have been allotted any reduced fixed share for such contingency.

Sometimes shares exceed the original [as mentioned just above]; for example, let us say, there is the husband and two or more consanguine sisters; their shares are a half and two-thirds respectively, [but 1/2 + 2/3 = 1.1/6] that is, more than the original [because the total of all shares should come to 'one' only]. Likewise, if the deceased has left her father, mother, two daughters and husband, their shares will exceed the original, because

1 The term, consanguine, is used for a relative who is connected to someone through father and mother both, e.g., two brothers having the same father and mother are called consanguine brothers.
Agnate is a relative connected only through father or through other males, while uterine is one related only through mother or through other females. [Trans.]

it will be 1 /6 + 1 /6 + 2/3 + 1 /4 [with a sum-total of 1.1/4].

On the other hand sometimes the property exceeds the shares. For example, if there is only a daughter [who shall get a half] or only two daughters [with a share of two-thirds; having another half or one-third remaining, respectively].

The traditions narrated from the Imāms of Ahl al-bayt which explain and expound the Divine Book—clearly say that in former cases, when the shares exceed the original, the loss shall be borne by those heirs who have been allotted only a single share, and they are the daughter/s and sister/s, but not the mother or husband whose shares have been fixed albeit on a reduced scale—for the changed conditions too. Likewise if the property exceeds the shares, the excess shall be returned to only those heirs who are expected to bear the loss in the former example. For example, if there is a father and a daughter, then the father shall get his one-sixth, and the daughter her one-half by allotment; and also she shall be given the remaining one-third by return, [thus she shall get five-sixths of the property].

ʿUmar b. al-Khattāb, during his reign, started the system of *al-ʿawl* (to provide, to deviate; in Islamic law it refers to the system by which all the shares are proportionately reduced in case they exceed the original); and people in early days of Islam resorted to *al-taʿsīb* (to wrap around; in Islamic law it refers to the system by which agnate relatives were given preference). We shall write about these two systems under the coming "Traditions".

On pondering on the shares of men and women in inheritance, we find that on the whole a woman's share is less than that of a man—except in the shares allotted to the parents. A mother's share sometimes exceeds that of the father. The mother has been given equal to, or more than, the father's share: it is probably because, in the eyes of Islam, she is more strongly attached to her child, and she undergoes a lot of troubles and hardships during pregnancy and delivery, as well as in looking after the child and bringing him up. God says: *We have enjoined on man doing of good to his parents; with trouble did his mother bear him and with trouble did she bring him forth; and the bearing of him and the weaning of him was thirty months* (46:15). The fact that her share—instead of being half of man's portion—is equal to, and sometimes double of, the father's share, gives precedence to her without any doubt.

However, the question arises why man's share in general has been fixed as double of that of woman. Two factors have been kept in view

concerning this matter: Man's excellence over woman in rationally managing the affairs of life; and his responsibility to maintain the woman and spend on her. God says: *Men are the maintainers of women because of that with which Allah has made some of them to excel the others and because of what they spend out of their property* (4:35). *"al-Qawwām"* (translated here as maintainer) is derived from *al-qiyām* (to stand up) which refers to management of livelihood; the excellence points to man's superiority in rational thinking. Man's is a life dominated by intellect while that of woman is run by emotions and sentiments. It is much better and more proper to leave financial affairs in the hand of a thinking and contemplating person than to an emotional and sentimental being. If we look at all the wealth found in the world—which is to pass from the present generation to the next one—and consider this Islamic arrangement, we should find that two-thirds of this wealth would come under the authority and management of men, and the remaining one-third would be managed and administered by women. In this way the intellectual management will dominate the sentimental administration; the society will reap its benefits, and life will be happier and more worthy of living.

The deficiency in woman's share has nevertheless been made up in an amazing way. God has enjoined man to treat his woman with justice and equity. Man accordingly is expected to treat her as an equal partner in his two-thirds. In other words, the woman would have the benefit and usufruct of [another one-third, i.e.,] a half of the two-thirds which man has got, and it would be in addition to her own one-third.

The net result of this marvellous ordinance is that man and woman have inverse relation in the spheres of possession and usufruct: Man owns two-thirds of the world's wealth but uses only one-third; while woman, who owns only a third of that wealth, has usufruct of two-thirds. As mentioned above, consideration has been given to predominance of contemplation and intellect over emotion and sentiment in man (and financial management, saving, exchange, production and investment are more germane to rational thinking than to emotion) and to primacy of sentiment over intellect in woman (and that is more relevant to making use of, and benefiting from, a property). This is the underlying reason why Islam has differentiated between men and women in matters of inheritance and maintenance.

Obviously, it is this natural pre-eminence in man of intellect and rationality and his superiority over woman in this field which God has

described in His speech as excellence: *Men are the maintainers of women because of that with which Allah has made some of them to excel the others* (4:34). Apparently it does not refer to men's superiority in strength, hardiness and intrepidity. Admittedly, roughness and hardiness is a distinguishing feature of man, and many great things in society depend on it, like defence, security, hard labour, endurance of hardships and afflictions, and steadfastness and composure in face of commotion and horror. These are essential aspects of life which nature has not equipped women for. It has equipped them instead with opposite qualities, i.e., delicate emotions and benevolent sentiments—which no society can flourish without. These are essential factors of life which give rise to love and affection, mercy and kindness; they enable the woman to bear the burdens of pregnancy and delivery; and create in her a natural inclination for bringing up the children and looking after them; and it is this quality which makes them pre-eminently suitable for nursing and house-keeping. Humanity cannot progress with roughness and hardiness alone, it also needs softness and kindness; mankind will be incomplete if its anger is not balanced with desire. World's affairs are not run by repulsion if it is not counterpoised with attraction.

In short, these two qualities maintain an equilibrium between man and woman and keep the scales of life well-balanced in a society which necessarily is constituted of both sexes. Far be it from God to commit injustice in His speech, action or judgment: *Or do they fear that Allah and His Messenger will act wrongfully towards them?* (24:50); *and your Lord does not deal unjustly with any one* (18:49). He Himself has said [about men and women]: *the one of you being from the other* (3:195); and it is to this mutual complementariness and interlocking existence that God refers in His words: *because of that with which Allah has made some of them excel the others.*

He has also said: *And one of His signs is that He created you from dust, then lo! you are mortals (who) scatter. And one of His signs is that He created mates for you from yourselves that you may find rest in them, and He put between you love and compassion; most surely there are signs in this for a people who reflect* (30:20–21). Ponder on the marvellous description the verses contain. Mortal (i.e., man—as it stands parallel to the "mates", i.e., women) scatters, that is, goes here and there to earn his livelihood; he it is who is made responsible to gather and obtain all necessities of life with his strength and hard labour—even leading to conflicts, forays and wars.

Nevertheless, if this scattering were the only characteristics of mankind, the whole human race would have been divided between the attackers and the attacked, the pursuers and the pursued. But God created women and equipped them with qualities which men find comforting. He puts between them love and compassion. They attract the men with their beauty and glamour, love and kindness. Thus the women are the premier cause and the basic agent for bringing the civilization into being.

That is why Islam has made the domestic life, i.e., marriage, the basis of society. God says: *O people! surely We have created you of a male and female, and made you nations and tribes that you may recognize each other; surely the most honorable of you with Allah is the one among you who guards (himself) most (against evil)* (49:13). See how the verse first describes the marriage of male and female, and goes to the spreading of human race, and then proceeds to the larger society made of tribes and nations.

The end of the verse shows that the detail given in the verse: *Men are the maintainers of women because of that with which Allah has made some of them to excel the others ...,* looks at equipping both sexes with faculties and characteristics necessary for managing the affairs of the worldly life in the best possible way, and which may keep the society in the best condition. Obviously, the "excellence" mentioned in the above verse does not mean the real superiority and honor in Islam, which denotes nearness to God. Islam in reality does not care about material amplitude or temporal or bodily strength which can be useful in the physical life only—these things are mere tools which have to be used to receive spiritual favors from God.

The above discourse makes it abundantly clear that men have been given excellence over women in their intellectual power, and this difference has led to the difference in inheritance and other similar matters; but this "excellence" means only increase [in intellectual power]. As for the excellence in the meaning of honor before God—which is the main concern of Islam—it entirely depends on piety and fear of God, wherever it is found [be it in a man or a woman].

almizan.org

Examining Narrations

(1) ʿAbd b. Hamīd, al-Bukhārī, Muslim, Abū Dāwūd, al-Tirmidhī, al-Nasāʾī, Ibn Mājah, Ibn Jarīr, Ibn al-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his *al-Sunan*) have narrated from Jābir b. ʿAbdillāh, that he said: "The Messenger of God and Abū Bakr came walking

to visit me (in my illness) in Banū Salamah. The Prophet found me unconscious; so he called for some water and made ablution with it; then he sprinkled (it) on me, and I gained consciousness. So I said: 'What do you order me to do with my property? O Messenger of God!' Then (the verse) came down: *Allah enjoins you concerning your children: The male shall have the equal of the portion of two females.*" (*al-Durr al-manthūr*)

Author's comments: It has been repeatedly mentioned that it is possible for several "reasons of revelation" (which have been narrated to us) to combine in respect of one verse; nor is there any difficulty if the verse goes beyond the scope of those specific reasons; also possibly an event might have coincided with the revelation and the theme of the verse corresponded with that happening. Therefore, there is no difficulty in the above tradition because of Jābir's report that he had asked: "What do you order me to do with my property? O Messenger of God!", and then this verse was revealed. We should not worry how Jābir could have asked that question when the division of inheritance was not his responsibility.

Even more strange is another tradition narrated in the same book through ʿAbd b. Hamīd and al-Hākim from Jābir that he said: "The Messenger of God used to visit me when I was sick. So I said: 'How should I divide my property among my children?' But he did not give me any reply; and then the verse was revealed: *Allah enjoins you concerning your children ...*"

(2) Ibn Jarīr and Ibn Abī Hātim have narrated from al-Suddī that he said: "The people of (the era of) ignorance did not give inheritance to the girls, nor to weak boys. Only that man inherited his father who had strength to (participate in) war. Then ʿAbd al-Rahmān, brother of the poet Hassān, died, leaving a wife, named Umm Kuhhah, and five girls. (Other) heirs came and took away the inheritance. Umm Kuhhah complained to the Prophet about it. Then God revealed this verse: *then if there are more than two females, they shall have two-thirds of what (the deceased) has left, and if there is one, she shall have the half;* then it was revealed about Umm Kuhhah: *and they shall have the fourth from what you leave if you have no child, but if you have a child then they shall have the eighth from what you leave ...*" (*ibid*)

(3) The same two scholars of tradition have narrated from Ibn ʿAbbās that he said: "When the verse of shares [of inheritance] was

revealed, in which God ordained what He ordained [of the shares] for male and female child and (for) parents, people (or, some of them) disliked it and said: '(How is it that) woman is given one-fourth or one-eighth, and daughter gets a half, and a small child is given (his share), while none of them can fight the people, nor can he gather booty?' They used that (system) in the (era of) ignorance: They did not give inheritance except to him who could fight the people; and they gave it to the eldest, then elder [and so on]." (*ibid.*)

Author's Comments: *al-Taʿsīb* (agnacy[1]) was a part of that system of ignorance. They gave the inheritance to the agnates of father if the deceased had not left a big son capable of fighting. The Sunnīs follow the same system in the excess property which is left after giving the prescribed shares. Perhaps something may be found about it in their traditions; but the traditions coming from the Ahl al-bayt totally reject this theory and say that the excess property shall be returned to those heirs who at other times bear the loss, and they are children, consanguine or agnate brothers and in some cases, the father. As mentioned earlier, the verses in their connotation agree with this verdict.[2]

almizan.org

1 Agnacy refers to surnames that evolve as a way to sort people into groups.

2 The system of *al-taʿsīb* which Islam had taken such pain to abolish and eradicate, was revived for political reasons by the second ʿAbbāsid caliph, al-Mansūr, in the middle of the second century of hijrah. First a short description of that system in practice:
Mr. Justice Ameer Ali (who, it is necessary to mention, was a Muʿtazilite, and not a Shīʿah, as he himself has repeatedly said in his hook, *Mahommedan Law*) says that in Arabia, prior to Islam, the inheritance "was governed by the rule of agnacy." It means that only the relatives connected with the deceased "through males" were recognized as entitled to take a share in his inheritance. But neither women nor persons connected to the deceased through them had any right of succession.
"Thus it was that whilst adopted sons and even slaves had rights, the children of daughters and sisters had no place in the customary rules which regulated succession." (Ameer Ali, *Mahommedan Law*, vol.2,p.11)
Now a background of the ʿAbbāsid dynasty:
The ʿAbbāsids were descendants of al-ʿAbbās, an agnate uncle of the Prophet. The descendants of Fātimah were also descendants of ʿAlī, son of Abū Tālib who was a consanguine uncle of the Prophet.
Before coming to power, the family of ʿAbbās, like other Hāshimites, generally

(4) al-Hākim and al-Bayhaqī have narrated from Ibn ʿAbbās that

---

followed the *madhhab* of the *Ahl al-Bayt*. As an example, we may refer to several traditions narrated in coming pages from both Shīʿī and Sunnī chains, from Ibn ʿAbbās, in which he has strongly denounced the system of *al-ʿawl*, innovated by ʿUmar.

When the Hāshimites were planning to overthrow the Umayyad dynasty, the ʿAbbāsids had joined hands with the Hasanid branch of the Fātimids, although al-Imām Jaʿfar al-Sādiq had remained aloof from all these activities. It was agreed among the ʿAbbāsids and the Hasanids that for achieving success, they would install Muḥammad al-Nafsu al-Zakiyyah (The Pure Soul) as caliph. (He was a son of ʿAbdullāh b. al-Hasan [al-Muthannā II] b. [al-Imām] al-Hasan. Among those who did *bayʿah* (to give allegiance) to him, were Abu al-ʿAbbās al-Saffāh and al-Mansūr.

Their slogan of *ridāʾu āli Muḥammad* (to please the progeny of Muḥammad) proved a success. People gathered behind their agents thinking that they wanted to remove the tyrant dynasty of the Umayyads and install a descendant of the Prophet in their place. When the Umayyads, were overthrown in 132 AH, it was not Muḥammad *al-Nafs al-Zakiyyah* who was put on the thrown, but the ʿAbbāsid, Abu al-ʿAbbās al-Saffāh, who was succeeded four years later by his brother, al-Mansūr.

"They [the ʿAbbāsids] made the affection of the people for the children of Fātima as a means for their own elevation, and when they had attained the desired end they rewarded the Fātimides with bitter persecution." (Ameer Ali, *The Spirit of Islam,* p.304)

When conflict started between Muḥammad *al-Nafs al-Zakiyyah* and al-Mansūr, the latter left no stone unturned to prove the legitimacy of his claim. Among other devices (which this is not the place to mention) he revived the system of agnacy.

Mr. Justice Ameer Ali writes:

"When the Abbasides (*sic.*) succeeded in overthrowing the ʿOmmeyades (*sic.*) they found it necessary to legitimize their title to the Caliphate, for the eyes of the Muslim (*sic.*) world were still turned to the descendants of the Prophet as the rightful heirs to his temporal and spiritual heritage—and in effecting this they found their chief support in the doctrine of agnacy. They claimed that as descendants of the Prophet's uncle, ʿAbbās, they were his 'agnates' and as such had a better title than the descendants of his daughter Fātima. And this was the keystone of the fabric built up by the ablest monarch of the House of ʿAbbās, Mansūr, the real founder of the Sunnī Church (*sic.*)." (*Mahommedan Law*, vol.2, pp.11—12).

He further says:

"The rule of agnacy has thus remained, chiefly from dynastic reasons, a part of the Sunni system. In early times it was as strongly enforced as under the old Romans. If a person died without leaving any 'agnatic' relation but a

he said: "The first person to introduce the system of *al-ʿawl* (to reduce all shares proportionately) was ʿUmar. The shares crowded over and began pushing each other aside. So he said: 'By God! I do not know what to do with you. By God! I do not understand which of you God has given precedence to, and which of you He has deferred. And I do not find for this property anything better than this: that I should divide it among you proportionately.' " Then Ibn ʿAbbās said: "By God! if he had given precedence to him whom God had given precedence, and put behind the one whom God had put behind, there would have been no need for proportionate reduction of shares." He was asked: "And which of them has been given priority by God?" He said: "Every share which God has not brought down from a prescribed share but to (another) prescribed share, then that is which has been given precedence by God; and every share that—when it leaves its (original) position—does not get except the residue, then it is (the share) which God has put behind. Thus the share that is given precedence is like that of husband, wife and mother; and that which is put behind is like that of sisters and daughters. Therefore, if there

ahnafzan.org

daughter's or sister's child, his property did not go to the latter but escheated to [that is, was taken over by] the Caliph. In 896 AC the Caliph Mʿutazid bʾlllāh (*sic.*) abolished this cruel rule; and laid down that in the absence of sharers and 'agnates' (*ʿAsabāh*), the 'uterine relations' should succeed. And this has remained the law ever since." (*ibid.*, p.12)

Even then, according to him, the uterine relations are placed in the last category, and it is only in the absence of sharers, agnates and even the emancipator that they receive any share in the inheritance. (*ibid.* p.68)

This was in short the origin of *al-taʿsīb* (agnacy) in Islam. It is necessary to point out two things before ending this note:

First: As Ameer Ali has pointed out (and we have mentioned above) the "descendants of Fātimah were also descendants of ʿAlī, who, as son of Abū Tālib, was an agnate relative of the Prophet."

In fact, ʿAlī was nearer than al-ʿAbbās to the Prophet, because Abū Tālib was a consanguine uncle of the Prophet, and not merely an agnate like al-ʿAbbās.

Second: This whole argument was in fact fallacious and deceptive. In the heat of their political polemics neither Muḥammad *al-Nafs al-Zakiyyah* nor al-Mansur paused to think that Imamate was not an inheritance. It was based on appointment by God which is announced through the Prophet or the preceding Imam. *al-Nafs al-Zakiyyah* had based his claim on a falsity and al-Mansur replied him with a greater falsehood. [Trans.]

gather together those who have been given precedence by God and those who have been placed behind, the division should begin with those having precedence, and he shall be given his complete share; then if something remains (of the property) it shall be for those [who have been placed behind] and if nothing is left they shall get nothing." (*al-Durr al-manthūr*)

(5) Saʿīd b. Mansūr narrated from Ibn ʿAbbās that he said: "Do you suppose that He Who knows the number of the sands of the valley, ʿAlij, has prescribed in the property one half, plus one-third plus one-fourth?" (ibid.)

(6) ʿAtāʾ says: "I said to Ibn ʿAbbās: 'People do not follow my word or your word; and when you and I shall be dead, they will not divide the inheritance according to your verdict.' He replied: 'Then let them gather, and then we (i.e., both parties) should put our hands on the *rukn* (of the Kaʿbah), then we should earnestly pray and put the curse of God on the liars. God has not ordered that which they say.' " (*ibid.*)

Author's comments: This theme has been narrated from Ibn ʿAbbās also through the Shīʿī chains, as is quoted below.

(7) al-Zuhrī quotes ʿUbaydullāh b. ʿAbdillāh b. ʿUtbah as saying: "I was sitting with Ibn ʿAbbās when the talk turned towards description of inheritance-shares. Ibn ʿAbbās said: 'God, the Great, be praised! Do you think that He Who knows the number of the sands of (the valley) ʿAlij, has appointed one-half plus one-third in a property? Well, these two halves have finished the whole property; now where is the slot of the (remaining) one-third?' Zufar b. Aws al-Basrī then asked him: 'O Abu al-ʿAbbās! Who was then the first to reduce these shares?' He said: ʿUmar b. al-Khattāb. When several shares gathered near him, pushing each other, he said: "By God! I do not know which of you God has given precedence to, and which of you He has deferred. And I do not find anything more accommodating than this: that I should divide this property among you proportionately, and let every right-owner get his right." In this way he introduced the proportionate reduction of shares. By God! if he had given precedence to him whom God had given precedence to, and put behind whom God had put behind, there would be no need for proportionate reduction of shares.' Zufar b. Aws asked him: 'And

which of them has He given precedence to, and which has He kept behind?' He said: 'Every share which God has not brought down from a prescribed share but to another prescribed share, that is which God has given precedence to. And as for that which God has kept behind, it is every share that—when it leaves its (original) place—does not get except the residue, it is (the share) which God has put behind. As for that which has been given precedence, [it is these]: the husband gets a half, but if a situation arises to bring his share down, he comes to one-fourth, nothing removes him from there; and the wife receives one- fourth, but when she comes down to one-eighth, nothing removes her from there; and the mother is allotted one-third, but when she moves from it, she goes to one-sixth, and nothing removes her from it. These are therefore the shares which God has given precedence to. As for that which He has kept behind, it is the share of the daughters and sisters—they are entitled to one-half or two-thirds, and when [other] shares remove them from it, they do not get except what is left, so these are whom God has kept behind. When there gather together those whom God has given preference and those whom He has kept behind, it (i.e., the division) will begin with those whom God has given precedence, and he shall be given his full share; then if something remains, it will be for him who has been kept behind; and if nothing is left, he shall get nothing.' Then Zufar said to him: 'Then what prevented you from offering this opinion to ʿUmar?' He said: 'His dread.' " (*al-Kāfī*)

Author's comments: ʿAlī had rejected the theory of proportionate reduction of share, long before Ibn ʿAbbās did so. And it is the *madhhab* of the Imāms of Ahl al-bayt as is described below:

(8) al-Bāqir said, *inter alia,* in a *hadīth:* "The Leader of the faithful used to say: 'Most surely, he who knows the number of the sands of ʿAlij, (also) knows that the shares should not be deviated (i.e., reduced) from six; had you looked at its (proper) direction, it would not be more than six.' " (*ibid.*)

Author's comments: It is written in *al-Sihāh:* "ʿAlij is a place in a valley with sands." The Imām's words, "the shares should not be deviated from six", means that no share could deviate in a way to change the six prescribed portions to some other portion. The six shares, explicitly mentioned in the Qur'an are as follows: a half, one-third, two- thirds,

one-fourth, one-sixth and one-eighth.

(9) al-Sādiq said: "The Leader of the faithful said: 'All praise is due to God; there is none to let precede what He has set behind, and none to set behind what He has let precede.' Then he struck his one hand with the other and again said: 'O nation (that is) bewildered after its Prophet! If you had let that precede which God had given precedence to, and kept behind that which God had set behind; and had put authority and inheritance where God had put it, no friend of God would have remained in poverty, and no share from God's ordained shares would have decreased, nor two people would have differed in God's commandment; and the *ummah* has not disputed about any command of God but that ʿAlī has its knowledge from the Book of God. So (now) taste evil consequences of your affair and of your inordinateness in that which your hands have sent before; and God is not unjust to the servants; and they who act unjustly shall soon know to what final place of turning they shall turn back.' " (*ibid.*)

Author's comments: A further explanation of how some heirs' shares are decreased is given below:

The shares, according to the Qur'an, are six: a half, two-thirds, one-third, one-sixth, one-fourth and one-eighth. Sometimes these shares gather together in a way it creates problem. For in-stance, in the first class of heirs, there may exist a daughter, father, mother and husband.

Their respective shares are a half, two-sixths and one-fourth—the total [1 & 1/12] exceeds the original property [which is 'one']. Likewise, if there are two daughters, both parents and husband, their shares, two-thirds, two-sixths, and one-fourth [total = 1 & 1/4] exceed the original. In the same way, in the second class of heirs, there may exist together a sister, a paternal and a maternal grandfather, and a wife; and their shares, a half, one-third, one-sixth and one-fourth [total = 1 & 1/4] would exceed the original. Or, if there are two sisters, two grand-fathers and a husband, their shares—two-thirds, one-third, one-sixth and a half [total = 1 & 2/3] would far exceed the original.

If we reduce all the shares proportionately, it would be *al-ʿawl.* On the other hand, if we leave the shares of parents, husband, wife and uterine relatives (i.e., one-third, one-sixth, a half, one-fourth and one-eighth) intact—because God has explicitly prescribed them and has not left them unexplained in any eventuality—then the deficiency will always fall on the

shares of one or more daughters, and one or more consanguine or agnate sisters, and on the shares of male and female children—when there is one or more, for the reason explained earlier.

As for "returning" to the latter group, the property left after distribution of prescribed shares, the reader should consult books of *hadīth* and jurisprudence.

(10) Al-Hākim and al-Bayhaqī (in his *al-Sunan*) have narrated about Zayd b. Thabit that he used to partially exclude mother [i.e., reduced her share from one-third to one-sixth] if the deceased had left two brothers. People said to him: "O Abū Saʿīd! surely God says: *and if he has brothers ...* [and plural in Arabic indicates at least three], and you are partially excluding her by [only] two brothers?" He said: "Verily the Arabs call two brothers *al-ikhwah* (brothers [in plural])." (*al- Durr al-manthūr*)

Author's comments: The same theme is narrated from the Imāms of Ahl al-bayt; although it is generally said that *al-ikhwah* is plural of *al-akh* (brother) and plural is not used for less than three.

(11) al-Sādiq said: "The mother is not partially excluded from one-third except by (presence of) two consanguine of agnate brothers or four consanguine or agnate sisters." (*al-Kāfī*)

Author's comments: There are many traditions of the same theme. As for uterine brothers, they are connected to the deceased through the mother who by her presence debars them from inheritance. It is narrated in the traditions of both the Shīʿīs and the Sunnīs that the brothers partially exclude the mother, but they themselves do not get any share in inheritance because of the presence of the parents who have precedence over them in class. Thus the law, that the brothers partially exclude the mother while they themselves do not inherit anything, has been laid down keeping in view the position of the father—because the excess portion shall be returned to him. That is why the uterine brothers do not partially exclude the mother, because they are not the father's dependants.

(12) The Leader of the faithful said regarding the clause, *after (the payment of) any bequest he may have bequeathed or debt:* "Surely you recite in this verse the bequest before the debt, but the Messenger of God has decreed (to pay) the debt before the bequest." (*Majmaʿ al-Bayān*)

Author's comments: This tradition has also been narrated by al-Suyūtī in *al-Durr al-manthūr* from several traditionalists and exegetes.

(13) al-Sādiq explained *al-kalālah* in these terms: "Other than parent and child." (*al-Kāfī*)

(14) The same Imām says about the clause: *and if a man or a woman leaves property to be inherited by neither parents nor offspring,* that God has meant by it specifically the uterine brothers and sisters. (*ibid.*)

Author's comments: There are numerous traditions of this theme and the Sunnīs too have narrated them. The number of such traditions reaches near to *mutawātir.* These traditions also say that the law regarding consanguine and agnate *al-kalālah* is mentioned in the last verse of the chapter which says: *They ask you for a decision of the law. Say: "Allah gives you a decision concerning the person who has neither parents nor offspring* [4:176].

It is a further proof of this explanation that the shares allotted to those relatives in that last verse exceeds the shares mentioned in this verse by double or even more. We know from the context and the above- mentioned verses that God has made a male's share generally equal to that of two females—as far as possible. Relatives other than parents and children are connected with the deceased either through father and mother both, or through father or through mother alone. Naturally, the difference maintained between father and mother will be carried over to those relatives too, because they are connected through them. In other words, the consanguine or agnate relatives will get a larger share than the uterine relatives. It leads us to the above-mentioned conclusion that the verse giving smaller shares speaks about the uterine relatives and that prescribing larger shares about the consanguine or agnate relatives.

(15) Muḥammad b. Sinān has narrated that Abu al-Hasan al-Ridā wrote in reply to his questions, *inter alia:* "The reason why women are given half of men's share in inheritance: It is because when a woman marries, she receives (the dowry) and it is the man who pays; that is why men have been given more. Another reason why male is given twice of what female gets: It is because female is a dependant of male if she is in need; the male is obliged to maintain her and he is responsible for her sustenance; the woman is not liable to maintain the man nor is she held responsible to give his sustenance if he is in need; that is why men have been given more; and that is the word of God: *Men are the maintainers of women because of that with which Allah has made some of them*

to excel the others and because of what they spend out of their property." (*Maʿāni al-akhbār*)

(16) al-Ahwal said: "Ibn Abi al-ʿAwjāʾ said: 'Why is it that a poor weak woman takes one share and men take two shares?' Some of our companions mentioned this to Abū ʿAbdillāh and he said: 'Verily, there is no *jihād* on woman, nor maintenance nor blood-money, (all) this is on men, that is why woman was allotted one share and man two shares.' " (*al-Kāfi*)

Author's comments: There are very many traditions of this import, and we have shown that the Qur'an too shows the same thing.

An Academic Essay on Inheritance

How Inheritance Began

Inheritance—taking possession, by some living persons, of the property left by the deceased—is one of the most ancient traditions of human society. It is impossible to find out from the available histories of nations and countries when this custom began—not unexpectedly as it is concealed in the mist of antiquity. We understand by pondering on man's social nature that man yearns to get a property—and especially if it is not in any one's hand—longing to use it for his needs. It is one of his primary and most ancient customs to gain control of a property, especially if there is none to stop him. Also man, be he primitive or civilized, cannot be oblivious of the notion of nearness and close association (which give rise to the concept of being nearer and closer in relationship) between various members of society. It is this concept which has led to establishment of home, family, clan and tribe, etc. Inevitably, in a society, some persons will be nearer to one another than the rest, like a child to his parents, a relative to another relative, one friend to another, a master to his slave, husband and wife to each other and a head to his followers; even a powerful person to a weak one—although different societies have different concepts and standards for identifying this nearness, a difference which it is almost impossible to record.

These two factors make us believe that inheritance is a custom prevalent in human beings since the earliest days of society:

Gradual Development of Inheritance

This system, like all other social traditions, was intermittently changing

from one position to another; evolution and gradual development playing a hand in it since its first appearance. But the primitive society was never well-organized and consequently no historical record can be found to give us a reliable picture of its gradual development.

Nevertheless, it is certain that they did not give any share to women and weak persons; inheritance was exclusively reserved for strong males. It was only because in their eyes, women and weak persons (like slaves and small children) were in the same category as that of tamed animals and merchandise—these things are always used by man without themselves getting any benefit from man or his property, nor are they entitled to the social rights that are accorded to the human race.

However, the connotation of 'strong' varied from time to time. Sometimes it meant head of the community or clan; at other times, it was head of the family; occasionally, it implied the bravest of the community. Such changes naturally meant fundamental alterations in inheritance rules.

Those customs prevalent from time to time were devoid of the bliss and felicity which human nature aspires for; and consequently each was altered [or discarded] before long. Even civilized nations which were governed by legal codes or some well-established tribal laws, like Rome and Greece, went the same way. Until now no inheritance law prevalent in any community or nation has stood the test of time and remained alive as long as the Islamic inheritance law has—it has ruled over the Muslim nations from the day it was ordained to this day, for about fourteen centuries.

Inheritance in Civilized Nations

The Romans had a peculiar social theory: A house was a self contained social entity, independent of the greater society; its members were beyond the jurisdiction of the government in all their social rights; the house had its own rules and regulations and [consequently] its own system of reward and punishment, and so on. The head of the family was the deity of his family—of his wife, children, slaves and dependents. He was their absolute owner—no other person owned anything as long as he remained a member of the house. The head had total power over them and managed their affairs by his absolute authority. He in his turn worshipped his predecessor—the previous head of the family.

Whatever property there was, it was inherited by the house. Suppose a son died leaving some property (which he had earned and owned with permission of the family-head), or a daughter expired leaving what she

had been given possession of (as dowry, etc.) with permission of the family-head, or some other relative died—in all such cases the property was inherited by the head of the family, because it was the inevitable consequence of his godship and absolute ownership of the house and its members.

When the head of the family died, one of his sons or brothers inherited him—who could do so. When several sons inherited him, then if they separated and established new houses, each became the deity of his house. But if they continued to live in the old house, their position *vis-a-vis* the new deity (their brother, for example) would be the same that was under their late father—all would come under the authority and absolute guardianship of the new deity.

Adopted sons had the right to inherit him; the system of adoption was prevalent among them just like the pre-Islamic Arabs. As for women (like wife, daughter and mother), they were not given any share of inheritance—lest the property of the house be transferred to another house if they changed residence on marriage; for it was not lawful to transfer a property from one house to another. It is probably this concept which someone had in mind when he said that they believed in society's communal ownership, not in private or personal one. But I think that it was based on something other than socialistic ownership. Even primitive barbaric communities, since early dawn of humanity, prevented other tribal groups to share or encroach in the pasture and fertile lands which they had taken under their hold; they protected it and even fought for it. It was a sort of common public property which was owned not by individuals but the society. Nevertheless, it was not disallowed for an individual member to reserve a portion of that common property for himself.

It was a valid kind of possession, although they could not keep balance in its management and use. Islam respects such ownership as we have mentioned earlier. God says: *He it is Who created for you all that is in the earth* (2:29). Therefore, the human society, i.e., the Islamic society and those who are under its protection, do own the riches of the earth in this sense; thereafter, the Islamic society is the owner of all that it has under its control. That is why Islam does not allow a non-Muslim to inherit from a Muslim. Even today some nations follow a similar principle and do not allow foreigners to acquire ownership of any land or immovable property, etc., in the country.

As the house, in ancient Rome, had complete independence by itself,

this old system had taken root therein like other independent nations and countries. Now, the Romans followed the above-mentioned inheritance code; and also they did not allow marriage within the prohibited degrees. These two things together obliged them to divide the relationships in two categories: First, the natural relationship, originating from a common blood. On it was based the illegality of marriage within the prohibited degree and its lawfulness outside that circle. Second, the official or legal relationship. On this relationship depended inheritance or disinheritance, maintenance, guardianship and things like that. The sons had both types of relationship-natural and legal—with the head of the family and with each other; but women were recognized only as natural, but not legal, relatives. Consequently, they inherited from none: neither from father nor son, neither from husband nor brother, nor from anyone else. This was the inheritance code of the ancient Rome.

As for Greece, their old custom in establishment of the houses was almost similar to that of the ancient Rome. They gave inheritance to the most mature of the male children; women were totally debarred from it, be they wife, daughter or sister; also small children and others like them were not entitled to any share. But the Greeks, like the Romans, sometimes devised plans to give inheritance to small children or those women—like wives, daughters or sisters—whom they loved and were apprehensive for their welfare; with these devices, like will, etc., they could easily give them a small or large portion of property. We shall speak on it under the "Will".

India, Egypt and China were not different from Rome and Greece in totally excluding the women from inheritance and debarring weaker children from it—or they continued to live under the authority and guardianship of the stronger male heirs.

As mentioned earlier, the Persians allowed polygamy and marriage with women within 'prohibited degrees'; adoption was legal; the most beloved wife sometimes had a status equal to that of an adopted son and shared the inheritance equally with the son and the adopted son, debarring other wives. A married daughter was not entitled to inheritance, lest the property go out of the family: but an unmarried daughter was given half of a son's share. In short, the wives (except the senior-most) and married daughters were debarred, while the senior-most wife, son, adopted son and unmarried daughter shared in the inheritance.

The Arabs gave no share to women or minor sons; the inheritance was taken by the mature sons who could ride a horse and defend the

honor (of the family); if there were no such child, the agnatic relatives took away the property.

This was the state of affairs in the world when the verses of inheritance were revealed. These matters are described in detail or mentioned in short in various histories dealing with customs and civilizations of ancient communities, in travelogues, law books and other such writings which may be consulted by anyone who wants more information.

The above description shows, in short, that in those days it was the common practice throughout the world to deprive the women of the inheritance—be it a wife or mother, a daughter or sister. If one wanted to give them a share, one had to devise a plan for it. Also it was an established system to debar small children and orphans—except in some cases where they were taken under other relatives' guardianship—a perpetual guardianship that was never terminated.

What Did Islam Do in Such a Situation?

It has been repeatedly said that according to Islam the correct foundation of rules and laws is the nature on which people have been created—and there is no alteration in the creation of God. Islam has laid down the inheritance on the 'womb' that is, relationship, which is a part of nature and an established creative factor. For the same reason, it has negated the custom of adopted sons' inheritance. God says: *nor has He made those whom you assert to be your sons your real sons; these are the words of your mouths; and Allah speaks the truth and He guides to the way. Assert their relationship to their fathers; this is more equitable with Allah; but if you do not know their fathers, then they are your brethren in faith and your friends* (33:4–5).

Then it removed the bequest from the general rule of inheritance and gave it an independent legal status, by which a dying person may bestow and a beneficiary may receive—although before that even bequest was called inheritance. But in Islam it is not just a nominal difference; there are two separate principles governing the inheritance and the will or bequest, respectively, with an independent natural basis for each. The factor that governs inheritance is relationship, and the deceased's wish or will does not effect it at all; while the basis of bequest is in compliance with the deceased's wish after his death (you may say, at the time of his bequeathing) in the property he owned when he was alive; implementation of bequest shows. respect to the deceased's wish. If one included the

will under the heading of inheritance, it would be merely in name, not in reality.

What the people, like the ancient Romans, called inheritance did not take into consideration the two factors of relationship and respect to the deceased's wishes. It was only based on the deceased's desire to prevent the transfer of property to another house; the intention was to keep it in the hands of the head of the family, (that is, its deity); or on his desire to transfer it to someone he loved and was apprehensive of his welfare. In any case, it only looked at the deceased's desires. Had it been founded on relationship and common blood, many of those who were deprived would have shared in inheritance.

After that, Islam turned its attention to the inheritance. In its eyes, there are two basic factors affecting it:

1) The factor of relationship. It is the common bond that unites a man to his relatives. There is no difference in this respect between a male and a female, nor between an adult and a minor (or even a foetus in the womb). Nevertheless, various relationships have different effects; some get priority, others are kept behind, some prevent the others from inheriting. All this is related to the strength of a relationship, which in turn, depends on a relative's nearness or distance from the deceased—whether his relationship with the deceased is direct or through some intermediaries, and whether there are less or more intermediate links, for instance, son, brother and uncle. This principle bestows the right of inheritance on the relatives, and at the same time establishes different classes of the heirs according to their nearness or distance from the deceased.

2) The factor of natural difference between male and female. It creates difference in their respective capabilities, as one group is more equipped with intellect while the other is more endowed with sentiments. Man by nature is a contemplating human being, while woman is an embodiment of sentiments and emotions. This difference very clearly affects their lives as far as management of property and its usufruct are concerned. This factor has led to the difference in the shares of men and women—even when they happen to be in the same class, like son and daughter, or brother and sister, as we shall explain below.

The first factor has led to grading of heirs in classes according to their nearness or distance from the deceased, keeping in view whether their connection with the deceased is direct or through one or more intermediary links. The first class consists of the heirs related to him directly—without

any intermediary. They are son, daughter, father and mother. The second class is of brother, sister, grandfather and grandmother. They are connected to him through one link, that is, either through father, or mother or both. The third class consists of paternal and maternal uncle and aunt. They join the deceased through two intermediate links, that is, through a parent and a grandparent. In every class, children take the place of their parents in their absence and debar the next class.

As for husband and wife, marriage had mingled their blood, and accordingly they share with every class; neither any class debars them, nor they debar any class.

The second factor, that is, the difference between man and woman, has led to the principle of a male getting equal to the share of two females—except in case of the mother and the relatives connected through her.

The laid down shares are six (a half, two-thirds, one-third, one-fourth, one-sixth and one-eighth) although they may occasionally change. Likewise, the property received by an heir may differ at times from his prescribed share because of decrease or 'return'. Also, the share of father *vis-a-vis* mother and the relatives connected through her does not conform with the general principle of the male's share being double that of female. Such variations make it difficult to give here a comprehensive description of Islamic inheritance laws. Nevertheless, the whole structure, inasmuch as the preceding generation gives place to the succeeding one, is based on the principle that one spouse is succeeded by the other, and the progenitors (that is, fathers and mothers) give place to the progeny (i.e., children). And the shares, as decreed by Islam for both groups (spouses and children), give a male double of that allotted a female.

This general review shows that Islam provides for division of the world's wealth in two portions of one-third and two-thirds. The one-third belongs to the female and the two-thirds to the male. This is on the level of possession. But as far as the usufruct is concerned, it is governed by another principle. It says that maintenance of the wife is the husband's responsibility, and that he has to treat her with justice—both should equally share and use the man's wealth for their needs. Also it has given the woman freedom of will and independence of action in the wealth she herself owns—her husband cannot interfere in it. These three factors prove that woman has the right to make use of the two-thirds of the world's resources (one-third her own property plus a half of the two-thirds belonging to man) while man may use only a third.

The Position of Women and Orphans in Islam

The orphans do inherit like stronger adult men. They are brought up, and their property continues growing, under their guardians' care, like the father [*sic.*] and grandfather, or the believers in general, or the Islamic government. When they attain to marriageable age and show the signs of maturity of intellect, their property is handed over to them, and they begin their independent life. It is the most just and equitable system that can be imagined for such cases.

As for women, as described above, from a general point of view they own one-third of the world's wealth and have the usufruct of its two-thirds. They are independent and absolute owners of what belongs to them; they are not put under any guardianship, be it permanent or temporary; and it is no concern of the men what the women do about themselves in a lawful and proper manner.

In Islam woman is recognized as an individual personality equal in every legal aspect to that of man; she has freedom of will and action in every way. Her position is not different from that of men, except as much as is demanded by her especial psychological traits that differ from those of man—that is, hers is a sentimental life while that of man is intellectual. For this reason, man has been given a major share in general wealth, in order that the management based on intellect and contemplation—in the world in general—may outbalance the management based on feelings and sentiments. But the deficiency of her share has been more than made up by giving her overwhelming share in usufruct. Also, she is obliged to obey her husband in conjugal relations, and has been compensated for it with dowry. Likewise she is disqualified from occupying the position of a judge, a ruler or a fighting soldier, as these are the responsibilities that can best be discharged through contemplation, rather than emotion. This has been balanced by making the men responsible for the women's security and safety, for protection of their honor and dignity. Man bears the burden of earning the livelihood and maintaining the wife, the children and the parents; while woman has been given the right of custody of children—without making it obligatory for her. All these rules have been counter-balanced with other things the women are obliged to do, like wearing *hijāb* (veil), not mingling with men, looking after the household and bringing up the children.

The question may be asked: Why has Islam not allowed the [women

with their] emotions and sentiments to occupy such public offices as defence, judiciary and rulership? Why does it refuse to give these departments into her hands? The answer may be found in the bitter harvest which humanity is reaping in modern days as a result of the domination of sentimentality on thought and contemplation. Just ponder on the great World Wars (the gifts of the modern civilization) and on the conditions prevailing throughout the world; then review them in the light of intellect and emotional feeling; you may then easily see where the temptation springs from and what offers good and sincere advice. And God is the Guide.

Moreover, the civilized nations of the West, since last many centuries, have spared no effort—have rather gone out of their way—to teach and train the girls together with the boys, in order that their potentials of perfection may be turned into reality. Nevertheless, if you look at the Who's Who of politicians and statesmen, legislators and judges, and military leaders and generals (the three above-mentioned fields of government, judiciary and war) you will not find women's names there in any considerable number, nor can their numbers be compared with the hundreds, rather thousands, of men's names. This in itself provides the most telling evidence that women by their nature, are not suitable for training in these fields—which *per se* require deep contemplation and planning; and the more chance is given to emotions to infiltrate into them, the more frustration and failure follows.

This and other similar observations provide conclusive rebuttal to the well-known theory that the only reason why women lag behind in society is the insufficient training given to them since the earliest days of human history; had they been given good and useful training, then—with their sentimentality and fine feelings—they would have overtaken or gone ahead of the men in all aspects of perfection. But this argument is almost like a self defeating syllogism. [The reality is the other way round.] Because it is the women's exclusive—or predominant—attachment to emotional feelings, that has kept them behind in all those fields which demand strong reasoning and domination of thinking over sentiments, like governing and judiciary; and has let the group having these qualities, that is, men, go ahead of them in these professions. Definitive experiments have proved that when a person possesses some psychological traits in strong measures, his/her training in related professions and occupations can be carried out very successfully. It naturally follows that men can be successfully trained in the fields of government and judiciary, and will surpass the women in

achieving perfection in these spheres. On the other hand, the women's training in matters connected with sentiments and feelings can succeed tremendously, as for example in some branches of medical profession, painting, weaving and embroidery, as well as bringing up children, nursing sick persons, decoration, cosmetics and things like that. In other fields both sexes have equal chances of advancement.

Moreover, if, as is claimed, the women's backwardness in the above-mentioned masculine fields is attributed only to chance, it should have, at least for some eras in the long human history, broken down or reversed itself—and they say that mankind is millions of years old. The same applies to those typically feminine activities in which men are behind. Really these are inherent characteristics which are inseparable from human society; and if we start counting these realities as mere casual and chancy affairs—especially when they are in total conformity with inner workings of human physique—then we cannot put our hands on a single characteristic in the whole human world which we could say was natural and intrinsic to man, be it his inclination to social life and society, his love of knowledge, or his curiosity that leads him to discover the hidden secrets of nature, and things like that. These too are inseparable attributes of humanity, and human structure is in complete agreement with these traits and characteristics. That is why we say they are natural attributes.

The same principle applies to women's advancement in luxuries and sentimental affairs and to their backwardness in intellectual matters or the affairs entailing severe hardships and dangers. This too is based on their natural characteristics. The opposite is true in those matters in which men are advanced or behind.

The only thing that remains is the offence that women might take at attribution of perfect intellect to men and of perfect sentimentality and feelings to them (women). But this objection is not tenable. In the eyes of Islam, intellect and sentiments both are valuable divine gifts, ingrained in human nature for truly divine purposes; neither has any excellence over the other. [Neither has any hand in achieving any honored position before God.] Honor entirely depends on piety. As for other attributes whatever they may be—they grow and develop only if they proceed on the right path; otherwise they turn into evil burdens, undesirable loads.

Modern Inheritance Laws

These laws and codes had got support from, and were influenced by,

Islamic laws of inheritance—although they differ from it in quantity (of shares) and mode (of division) as we shall describe here in short. There is a lot of difference between the stand taken by Islam and that of these legislations as far as women's inheritance is concerned.

As for Islam, it had initiated a thing which the world had never known, nor the earlier generations were ever told of by their progenitors; while these later laws were legislated when the Islamic laws were firmly established and constantly implemented in the Muslim *ummah* inhabiting a greater part of the then known world; hundreds of millions of people had been practising this code for more than a millennium, the progenies inheriting it from their ancestors. Obviously when a novel idea is put into practice and is accepted and implemented, and thus becomes a permanent feature of the society, then it becomes very easy for similar principles to appear on the scene. Every preceding social custom provides the ideational substance for similar following customs; rather the former becomes the substance that is reshaped into the latter. Therefore, no social scientist should spurn the fact that the modern inheritance laws have got support from the Islamic inheritance code that had preceded them, and that it is the Islamic code which they have remolded into their statutes—we are not concerned here whether they could do justice to it or not.

The most amusing is the claim sometimes made—may God destroy the ignorance of the yore!—that the new laws have got their ideas and substance from the ancient Roman code. You have already seen what that ancient Roman custom was, and what the Islamic sharīʿah has offered to the mankind. The Islamic code came into being and was implemented after the old Roman code and long before the modern Western laws; it was deeply rooted in the societies of millions, nay, hundreds of millions, of people continuously for long centuries. It is impossible to suggest that such a living code remained ineffective and did not influence the thinking of these legislators.

Even more strange is the assertion by some writers that the Islamic code of inheritance was adapted from the ancient Roman code!

However, the modern laws prevalent in the Western nations, in spite of their differences in some details, are almost unanimous on one point: They treat females as equal to males in inheritance shares; the daughters and sons get equal shares as do the mothers and fathers, and so on.

The French code has divided the heirs in the following classes: i) Sons and daughters; ii) fathers and mothers, and brothers and sisters; iii)

grand-fathers and grand-mothers; iv) Paternal and maternal uncles and aunts. It has kept the marriage-tie separate from this classification, saying that it is based on the foundation of love. We are not concerned here with its details or description of other classes. If anyone wants it he should look into the relevant books.

But what we are concerned with is the net result of this prevalent customs. This type of legislation makes the woman equal partner of man in the wealth of the world—taken as a whole. Yet they have put the wife under the guardianship of the husband; she has no right to manage or control her own inherited property—except with the consent and permission of her husband. It means that although the world's wealth is divided half and half between man and woman (so far as ownership is concerned), the total wealth is placed in the hands of the man (so far as its management and control is concerned). Now, some groups and parties have risen up which are trying to make women truly independent owners of their properties, taking them out of men's control and guardianship. If they succeed, then the men and the women would be really equal in ownership as well as in control and management.

Comparison of these Codes: One with Another

We have already described in short the customs which were prevalent in ancient nations in old days. Now we leave it to research scholars to compare one with another and deliver their judgment for each, whether it was perfect or defective, and whether it was beneficial for human society or harmful—in short, whether it was on correct footing on the highroad of felicity and happiness. Then, he may compare the Islamic code with each and judge accordingly.

The basic difference between the Islamic laws and the others is in the respective aims and objectives. Islam intends that the world should achieve its righteousness, goodness and probity; while the other laws want it to get what it desires. All the branches sprout from these two different roots. God says: *and it may be that you dislike a thing while it is good for you, and it may be that you love a thing while it is evil for you, and Allah knows, while you do not know* (2:216); *and live with them kindly; then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it* (4:19).

Will and Testament

It has been explained that Islam has given the will an independent status, unlinking it from the general rules of inheritance. It is because the will has an independent basis, that is, respecting the owner's wishes concerning what he had possessed in his life. In ancient nations, will was a device which the testator used to give his property—or a part of it—to someone who customarily was not entitled to it, to prevent it from going to the recognized heir, for instance, the father or the head of the family. That was why they were always busy enacting laws putting restrictions on testamentary bestowals lest it nullify the rules of inheritance completely; and such efforts are continuing in those societies up to these days of ours.

On the other hand, Islam has restricted the application of will to a third of the property; it is invalid beyond that limit. Some modern codes, like the French one, has imitated the Islamic principle in this respect; but the aims differ. That is why Islam exhorts people to bequeath, while other laws discourage it or are silent about it.

Meditate on the verses concerning bequest, alms, *zakāt, khums,* and general spending in the way of God; and you will realize that these laws pave the way for setting aside about half of the properties and two-thirds of their benefits for philanthropy charity, for meeting the needs of the needy and poor. This brings various classes nearer, and narrows the gaps between them, thus strengthening the weaker sections of the society. It is in addition to the guide-lines given to wealthy persons as to how they should use their wealth—which brings them nearer to the poor. We are not going into details of this topic, as it will be written, God willing, in another place.

almizan.org

Verses 15–16

وَاللَّاتِي يَأْتِينَ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاسْتَشْهِدُوا عَلَيْهِنَّ أَرْبَعَةً مِنْكُمْ ۖ فَإِنْ شَهِدُوا فَأَمْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّىٰ يَتَوَفَّاهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا ﴿١٥﴾

(4:15) ***And as for those who are guilty of indecency from among your women, call to witness against them four (witnesses) from among you, then if they bear witness confine them to the houses until death takes them away or Allah makes some way for them.***

Atāh and *atā bihi* (translated here as being guilty) actually means "doing it". *al-Fāhishah* is derived from *al-fuhsh* (indecency); thus *al-fāhishah* means indecent behavior; it is generally used in the meaning of fornication; it has also been used in the Qur'an for sodomy or for sodomy and lesbianism both, as God quotes Lot as saying: *Most surely you are guilty of an indecency which none of the nations has ever done before you* (29:28).

Apparently this word refers here to fornication, as explained by all the exegetes. They have narrated that when the verse of flogging was revealed, the Prophet said that the flogging is the way God has opened for them when they are guilty of fornication. It is also supported by the style of the verse which clearly shows that this order was to be abrogated soon, as God says: *or Allah makes some way for them;* and nobody has said that the penalty of lesbianism was abrogated by any succeeding order, nor that this penalty [of flogging] was meted out to anyone guilty of lesbianism; [all this together shows that this verse is not concerned with sodomy or lesbianism]. The phrase, "four (witnesses) from among you", indicates that the witnesses should be males [because the pronoun used for 'you' is of masculine gender].

... then if they bear witness confine them to the houses until death takes them away or Allah makes some way for them: The confinement, that is, perpetual imprisonment, depends on the evidence, not on actual guilt without the required evidence—although it might be known; it is one of the mercies of God on the *ummah* showing His magnanimity and

forbearance.

The punishment is perpetual confinement; it is clearly indicated by the prescribed limit, "until death takes them away". But God has not used the word, imprisonment or internment; instead He has said, *fa-amsikūhunna* which literally means, then restrain them; the use of this mild word is another clear indication of His indulgence and tolerance.

The clause, "until death takes them away or God makes some way for them", means: or God opens a way for them to be free from perpetual confinement. The alternative indicates probable abrogation of the order; and it happened when the rule of flogging replaced this order. Everyone knows that the penalty given to fornicating women—since the later period of the Prophet and in practice among the Muslims after him is the flogging, not confinement to the houses. The verse, supposing that it contains the rule about the fornicating women, has been abrogated by the verse of flogging; and the way mentioned in this verse undoubtedly refers to flogging.

وَاللَّذَانِ يَأْتِيَانِهَا مِنْكُمْ فَآذُوهُمَا ۖ فَإِنْ تَابَا وَأَصْلَحَا فَأَعْرِضُوا عَنْهُمَا ۗ
إِنَّ اللَّهَ كَانَ تَوَّابًا رَحِيمًا ﴿١٦﴾

(4:16) ***And as for the two who are guilty of it from among you, afflict them both; then if they repent and amend, turn aside from them; surely Allah is Oft-returning (to mercy), the Merciful.***

The two verses are inter-related, and certainly the pronoun 'it' refers to 'indecency'. It supports the view that both verses deal with punishment of fornication. The second verse therefore completes the order given in the first one; the first one had explained the law only to the extent it affected the women, while the second one describes the rule as it affects both parties—and it is the 'affliction'. So the two verses together explain the rule of fornicating man and fornicating woman both—that both should be afflicted and the confinement of the women to the houses. But this explanation does not agree with the following clause: *then if they repent and amend, turn aside from them;* obviously it does not fit in with the order of confining the women for the life. Therefore, it is necessary to say that turning aside from them refers to discontinuation of their punishment while the confinement continues as before.

That is why sometimes it is said—following some traditions which shall be quoted later—that the first verse speaks about those women who

are not virgin while the second one gives the order about the virgins; accordingly the virgins who commit fornication should be punished by confining them to the houses until they repent and amend their behavior, and then they may be released from the confinement. But this explanation leaves two problems unsolved:

1) Why should the first verse be reserved for non-virgins and the second one to virgins when there is nothing in the wordings to support this differentiation?

2) Why does the first verse speak about the fornicating women only, while the second one talks about both parties: *And as for the two who are guilty of it from among you ...*?

It has been said that according to the exegete, Abū Muslim, the first verse ordains the law about lesbianism, and the second one about sodomy, and that both verses are not abrogated.

But that view too is obviously wrong. As for the first verse, the explanation given by us earlier (for the words, *As for those who are guilty of indecency from among your women ...*), proves untenability of Abū Muslim's interpretation. As for his explanation of the second verse, it is rejected by the well-established *sunnah* that the penalty of sodomy is death. The correct hadīth of the Prophet says: "Whoever among you commits the sin of the people of Lot, kill (both) the doer and (the man) done to." This law is either from the beginning (which has not been abrogated); or is a subsequent law which has abrogated the verse; in any case, it refutes Abū Muslim's views.

Looking at the apparent meaning of the two verses (which come to the mind at once), and at the associations found with them; and keeping in view the difficulties arising out of the given explanations, we may interpret the verses as follows—and God knows better:

The verse lays down the law concerning adultery by married women. Also the fact that the verse mentions only women, and not men, indicates this meaning; the word, 'women', is commonly used for 'wives' and especially when it appears as first construct of a genitive case where the second construct is 'men', as is the position in this verse: "you [that is, you men's] women"; also God says: *And give women their dowries as a free gift* (4:4); *of your women to whom you have gone in* (4:23).

Accordingly, the first and temporary order was to confine them to the houses; then stoning was ordained for them. al-Jubbāʾī has used this example to prove that the Book may be abrogated by the *sunnah;* but it

is not so. Abrogation repeals an order which was apparently meant to continue for ever; while this order of confinement contains a clause that points to its temporariness, and it is the words: *or Allah makes some way for them.* These words clearly show that there was another order that would be promulgated later. Even if it were called 'abrogation', there would be no trouble; because it would not contain those difficulties which were inherent in abrogating the Book with the *sunnah*—the Qur'an itself indicates here that this order was to be repealed after sometime; and the Prophet is the one who explains the meaning of the honored Qur'an.

The second verse promulgates the rule about fornication (other than adultery), that the parties should be afflicted; that punishment includes confinement, hitting them with shoes, admonishing and shaming them by harsh words or other such ways of hurting them. Accordingly this verse stands abrogated by the verse of flogging in the chapter of 'The Light'. As for a tradition that this verse speaks about virgin girls who commit fornication, it is a *khabar al-wāhid*[1], apart from being *al-mursalah*[2],and therefore weak. And God knows better. (However, this interpretation is not free from weakness, because prior indication that a certain rule would be abrogated later, does not water down the abrogation.)

... then if they repent and amend, turn aside from them: Repentance is qualified by amendment; it is to establish the reality of repentance, to make it clear that repentance is not mere utterance of some words or just to be carried away by some pangs of conscience; [it requires definite improvement of behavior and character].

Examining Narrations

(1) It is narrated in *al-Tafsīr* of al-ʿAyyāshī from al-Sādiq that he said about the word of God: *And as for those who are guilty of indecency from among your women* ..., that it was abrogated and that the 'way' [referred to here] was the laid down penal code. (*al-Kāfī*)

(2) al-Bāqir was asked about this verse and he said: "It is abrogated."

1 *Khabar al-wāhid* refers to a tradition narrated by a few, or only one, narrator. [Trans.]

2 *al-Mursalah* refers to a tradition quoted from the Prophet or Imām without describing the linking sources between the narrator and the Prophet or Imām. [Trans.]

> He was asked: "How was it?" He said: "When a woman committed indecency [that is, fornication], and four witnesses stood (to give evidence) against her, she was confined to a house; no one spoke to or talked with her, nor anyone sat with her; she was provided her food and drink—[this was to continue] until she died or God made some way for her." Then he said: "Making way (for her) is the flogging and stoning." It was said: "(And what is the meaning of the words of God:) *And as for the two who are guilty of it ...*?" He said: "It means, when a virgin is guilty of the indecency which was done by this non-virgin." [He was asked the import of the words:] *afflict them both.* He said: "She will be confined." ... (*ibid.*)

Author's comments: The story that the rule in the early days of Islam was to confine them into the houses until death, has been narrated by the Sunnīs through many chains of narrators, from Ibn ʿAbbās, Qatādah, Mujāhid and others. It has been narrated from al-Suddī that confinement into the houses was the rule for non-virgins, and the affliction mentioned in the second verse was the order for unmarried girls and boys.

But you have seen what is to be said in this context.

almizan.org

almizan.org

Verses 17–18

These two verses are not without a certain connection with the preceding two which had ended on the theme of repentance, possibly all four might have been revealed together. Nevertheless, these two independently throw light on a theme which is among the most sublime Islamic realities and highest Qur'anic teachings, and that is the reality of repentance and its significance as well as the rules governing it.

إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ
فَأُولَٰئِكَ يَتُوبُ اللَّهُ عَلَيْهِمْ ۗ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا ﴿١٧﴾

(4:17) ***Repentance with Allah is only for those who do evil in ignorance, then turn (to Allah) soon, so these it is to whom Allah turns (mercifully), and Allah is All-knowing, Wise.***

al-Tawbah means to return. It signifies returning of a servant to God with remorse for his misdeeds and a firm intention to leave the way that was distancing him from the path of servitude. When ascribed to God, it means that God turns towards His servant with mercy, (first) forgiving his sin. We have repeatedly said that, according to the Qur'an, a servant's single repentance is flanked by two turnings from God. The fact is that repentance is a good deed, a virtuous act which requires strength and will-power; and all virtues emanate from God, and all power and strength belongs to Him. It is God who manages the affairs in a way that the servant becomes able to repent, gets strength to cut himself off from the factors which were taking him away from God, and thus he returns to his Lord. After being helped in this way to repent from his sins and to return to God, he again needs a second 'turning' by God in order that he could be cleansed from those impurities, purified from those pollutions, so that he may reach and be settled near his Lord—this second turning again shows divine mercy and compassion as well as His forgiveness and pardon.

These two divine turnings are the two 'repentances' which surround a servant's repentance and returning. God says: *then He turned to them (mercifully) that they might turn (to Him)* ... (9:118). This refers to the first

turning. Again He says: *these it is to whom I turn (mercifully)* ... (2:160); and this is the second turning; between these two divine turnings comes the servant's returning, his repentance.

The starting clause, "Repentance with God is only for those" literally means: Repentance on God is only for those ... *ʿalā* (on) and *li* (for) denote harm and benefit, respectively; as we say: ʿAdversities came on ʿAmr (*ʿalā ʿAmr*) to the benefit of Zayd. Or as we say: The race was for (*li*) X on (*ʿalā*) Y, that is, X won the race against Y. It is because *ʿalā* (on) implies height and domination; and *li* (for) denotes possession and right. Consequently, in the matters involving two parties (like war, fighting and dispute, in which one party gets some benefits and the other is harmed, one overpowers and the other is overpowered), the victor acquires some rights over the vanquished, and the latter is prevailed upon, ruled over. The same is the case in similar situations. Look, for example, at the effect between an influencing factor and the influenced, or at the link a promise creates between the giver of promise and the one to whom it was given, and so on. It is now clear that the two prepositions (*ʿalā* and *li*) have acquired the connotations, of harm and benefit, respectively, because of contexts in which they are frequently used—not because it is their original meaning.

Now, let us see, how repentance succeeds and why it benefits the servants of God. It is because of a promise which God has given to the servants; in this way He Himself has made it obligatory for Himself to accept their repentance. He has said in this verse: *Repentance with (on) God is only for those who do evil in ignorance.* In this way it becomes obligatory for God to accept His servant's repentance. It does not mean that anyone else can obligate God to do something, or can prescribe a duty for Him—it makes no difference whether you call that one the reason, the nature of the affair, the reality, or the truth; or give it any other name, God is Greater and Holier than such ascriptions. Rather this matter is based on the fact that God has promised His servants that He would accept the repentance of those who would repent; and He does not break His promise. This is the implication of the statement that it is obligatory for God to accept and grant the repentance in relevant situations. And it is the connotation of every declaration where we say that a certain action is *al-wājib* (obligatory) for God.

Obviously, the verse is focussed not on a servant's repentance, but on God's turning with mercy towards that servant, although in this process it inevitably throws light on matters related to the servant's repentance. God's

turning (with all its conditions) cannot remain separate from the servant's repentance (with all its conditions fulfilled). This topic, that the verse is meant to describe God's returning, does not require further explanation.

Secondly, it covers all types of repentance, whether the servant repents from polytheism and disbelief and returns to the true faith, or from sin and disobedience and returns to obedience (if he is already a believer). The Qur'an calls both aspects as repentance. God says: *Those who bear the throne and those around it celebrate the praise of their Lord and believe: "Our Lord! Thou embracest all things in mercy and knowledge, therefore grant forgiveness to those who turn (to Thee) and follow Thy way ...* (40:7). Here, the words, 'those who turn (to Thee)', mean, those who believe, because previously it has been said: *and ask forgiveness for those who believe.* Thus belief has been called *al-tawbah* (repentance), In another verse, God says (referring to some believers): *then He turned to them (mercifully) that they might turn (to Him)*, (9:118).

The generality found in the next verse, *And repentance is not for those ...*, proves that repentance, as envisaged in these verses, covers repentance from polytheism and disbelief as well as from sin and disobedience, because the verse comments on situations of disbelievers and believers both. Accordingly, the clause, "those who do evil in ignorance", encompasses both the believers and the disbelievers; a disbeliever is included, like a disobeying believer among "those who do evil in ignorance". How? It is because disbelief is an action of heart and 'doing evil' covers deeds of heart too like those of other organs; or because disbelief always brings evil actions in its wake. Therefore, "those who do evil in ignorance", refers to a disbeliever as well as to a disobeying believer—provided they are not wilfully obstinate in their disbelief or sin.

As for the words, "in ignorance", obviously ignorance, *per se,* is opposite of knowledge. People are conscious of the fact that they do all their deeds with knowledge and will; and that the will emanates from a certain love or longing. It makes no difference whether that action is likeable in the eyes of the society's sages or not; but it is believed that a man of discriminating intelligence will not commit an evil censured by the sages. Based on this assumption they believe that anyone who, being overcome by psychological bent, or motives of desire or anger, commits any blameworthy evil deed, does so only because he becomes oblivious of knowledge, and consequently loses his sagacity which distinguishes between good and bad, between praiseworthy and blameworthy: in this

manner, he is overpowered by desire and commits evil. That is why they call it ignorance, although in reality it could not be done without a degree of knowledge and will. But as his knowledge of the indecency and evil of that action did not prevent him from falling into that trap, that knowledge was discounted as non knowledge, and he was called 'ignorant'. That is why they call a young inexperienced person 'ignorant' as his actions are governed by desire, and raw sentiments and emotions dominate his life. Also it is for the same reason that they do not call an unrepentant sinner (who feels no remorse for his sins and does not turn away from desires and sentimentalities) 'ignorant'; his condition is rather called obstinacy and willfulness, etc.

It is now clear that ignorance in this context means doing an evil deed under the influence of desire or anger—without being obstinate in face of truth. It is an intrinsic nature of such deeds (done in ignorance) that when the storm subsides and the inflamed desire or anger is extinguished be it because of doing that evil, or because of some hindrance, or because of passage of time, or weakening of powers, or through ill health the man returns to the knowledge and that ignorance goes away; then he feels remorse for what he had done.

But this process does not take place in the evil which is done because of obstinacy and willfulness, etc. Such evil is not done because of some agitation of a power or inflammation of desire or sentiments; its root cause is what they call malevolence of nature, wickedness of heart. There is no hope that one day it will go away after the inflamed passion has subsided. It would rather continue throughout the life without his feeling any remorse in near future—except that God wills it.

Of course, it happens sometimes that an obstinate stubborn person turns away from his obstinacy and stubbornness; and instead of confronting the truth he now submits to it and enters into the fold of servitude. This change proves that even his obstinacy was based on ignorance. And why not? In actuality every disobedience emanates from man's ignorance. From this point of view, no one could be called an obstinate and stubborn sinner except the one who never turns away from his evil deeds to the last moment of his life and health.

The above discourse shows the significance of the divine words, "then turn (to God) soon". The man who does evil because of ignorance, would not remain busily engaged in his misdeed, addicted to it all his life; he would not do as obstinate stubborn ones do who never show any sign of

returning to piety and submission. He would rather turn away from that misdeed and return to God soon. The adverb. 'soon', refers to nearness of time; and it means, 'before death comes to him and before the signs of the other world appear before his eyes'.

Of course, every obstinate and stubborn person becomes contrite when he is faced with unpleasant consequences and chastisement of his evil deeds; he then disavows his deeds, shows repulsion towards them. But actually he is not repentant in his heart; his remorse does not emanate from any reform of character. It is merely a device, his wicked soul has adopted for saving himself from the consequences of his evil activities. Proof? As soon as that particular punishment is averted, he returns to the same evil-doing. God says: *and if they were sent back, they would certainly go back to that which they are forbidden, and most surely they are liars* (6:28).

Why do we say that the word, 'soon', here means: before the signs of death appear before him? It is because God says in the second verse: *And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: "Surely now I repent."*

Accordingly, the clause, "then turn (to God) soon", is an adverse indirect allusion to those who go on postponing repentance until its chances are lost for ever.

The above discourse shows that the two clauses, "in ignorance" and "then turn (to God) soon", are exclusive conditions. The former means that the servant does not do evil in arrogance and obstinacy; the latter, that he does not delay his repentance until the death-time—showing his indifference, negligence and procrastination. Repentance, after all, is man's returning to God with firm intention of serving Him. God's turning then means that He accepts that servant's return to Him. But service and worship of God has no meaning if there is no time left in this world; because it is this worldly life which is the arena of the free choice and the place of obedience and disobedience. When the signs of death appear, the free will and choice—the basis of obedience and disobedience—ceases to exist. God says: *On the day when some of the signs of your Lord shall come, its faith shall not profit a soul which did not believe before, or earn good through its faith* (6:158); *But when they saw Our punishment, they said: "We believe in Allah alone and we deny what we used to associate with Him."But their belief was not going to profit them when they had seen Our punishment; (this is) Allah's law, which has indeed obtained in the matter of His servants,*

and there the unbelievers are lost (40:84–85).

In short, the verse says that God accepts the repentance of a disobedient and sinner servant, provided the sin was not committed in haughtiness, showing arrogance towards God (because it would then kill the spirit of repentance and submission to God) and provided the man does not display indifference and tardiness in repentance, neglecting it until death arrives and the chance is lost for ever.

Also, it is possible to treat the clause, "in ignorance", as an explanatory description. The meaning then would be as follows: '... those who do evil; and evil is always done in ignorance, as with it man puts himself in danger of painful chastisement', or, '... evil is always done in ignorance, because the evil-doer does not know the reality of disobedience nor the resulting dangers'.

If we adopt this explanation, then the clause, "then turn (to God) soon", would signify their repenting before appearance of signs of death; it would not be an allusion to tardiness in repentance. Why? Because, according to this explanation, those who commit evil deeds because of arrogance, and because they do not submit to their Lord, would be excluded, not by the words, "in ignorance" but by the clause, "then turn (to God) soon"; and in that case, this latter clause cannot be an allusion to indifference and negligence. Ponder on it.

But probably the first explanation is more in conformity with the apparent meanings of the verse.

Someone has reportedly said: The words, "then turn (to God) soon", signify that repentance should occur nearer to the time of disobedience, that is, immediately after committing a sin or soon enough to be thought as connected to it. One should not neglect it until the time of death.

Reply: This explanation is wrong, because it undermines the second verse's meaning. The two verses aim at giving the basic comprehensive principle concerning God's turning, that is, how and when God accepts a servant's repentance. It may clearly be understood from the particle of exclusion and restriction in the first verse, *Repentance with God is only for those ...* The second verse describes the situations when repentance is not accepted; and it mentions only two situations: i) Repentance of that sinner who goes on neglecting and delaying it until the death arrives; ii) Repentance of an unbeliever who dies in his disbelief. Now, if only that repentance were acceptable which would follow the sin without delay—that which could be thought connected to the sin—then it would give us

a third situation where repentance was unacceptable. But the verse mentions only two.

... so these it is to whom Allah turns (mercifully); and Allah is All-knowing, Wise: The demonstrative pronoun *ulāʾika* (translated here as 'these') actually means, 'those', and points to distant objects. Its use might be a symbolic expression of the honor and dignity which God wants to bestow on them. The same is the implication of the singular, 'evil', as it indicates an indulgence in reckoning of their sins. Compare it with the plural in the next verse: *And repentance is not for those who go on doing evil deeds ...*

The verse ends on the clause: *and God is All-knowing, Wise*; it does not say, God is Forgiving, Merciful. The two divine attributes show why God has opened the door of repentance. It is because He knows His servants' condition, and the effects of their weaknesses and ignorance; and because He, in His wisdom, found it necessary to open some ways to strengthen the system and put the things in good shape. Also, the attributes remind the repenting servant that God is not deceived by appearance, He examines the hearts; deceit and cunning cannot deceive Him; therefore, one who repents must repent in a proper and sincere way, so that God should answer him with mercy and forgiveness.

وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ حَتَّىٰ إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ إِنِّي تُبْتُ الْآنَ وَلَا الَّذِينَ يَمُوتُونَ وَهُمْ كُفَّارٌ ۚ أُولَٰئِكَ أَعْتَدْنَا لَهُمْ عَذَابًا أَلِيمًا ﴿١٨﴾

(4:18) ***And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: "Surely, now I repent"; nor (for) those who die while they are unbelievers. These are they for whom We have prepared a painful chastisement.***

Note that the words, *with Allah*, have not been repeated here, although the connotation is the same. This omission gives a clear hint that they have been cut off from the especial divine mercy and care. Also the use of plural, "evil deeds", shows that all their misdeeds will be counted and recorded for the final reckoning, as we have mentioned earlier.

The clause, "who go on doing evil deeds", as qualified by the following clause, that is, "until when death comes to one of them" indicates

continuation of action. It is either because carelessness in repentance, postponing it day after day, is in itself a continuously repeated sin; or because it is as though he was going on committing sins incessantly; or because indifference towards repentance generally makes one commit the same or similar sins again and again.

The verse says: "until when death comes to one of them", instead of saying, until when death comes to them. It points to the disdain and indifference with which they treat this matter. Its connotation: Repentance, in their eyes, is such an unimportant matter, such an easy thing, that they go on doing what they desire, going the way they wish, without any care. Then when death comes to one of them he says: 'Surely, now I repent.' And he thinks that merely by uttering these words, or by just thinking of them in the last moment of his life, the consequences of sins, the perils of disobeying divine commands, will be everted.

This explanation makes it clearer why the words, 'I repent', have been qualified by 'now'. It shows that the speaker is only repenting—in words or thought—because death has overtaken him and now he sees the next world's overwhelming power before his eyes. In effect it means: I repent as I have now seen the inescapable death and inescapable recompense. God describes a similar plea to be made by the guilty ones on the Day of Resurrection: *And could you but see when the guilty shall hang down their heads before their Lord: "Our Lord! we have seen and we have heard, therefore send us back, so that we do good; surely (now) we are certain."* (32:12).

So, that is a repentance that is not acceptable at all: because it is his losing hope of worldly life and the fright of the newly seen horizon that have forced him to feel remorse for his misdeeds and to resolve to return to his Lord. But where is there any chance of returning, when there is no worldly life left and no practical choice available?

... nor (for) those who die while they are unbelievers: This is the other case where repentance is not accepted. It concerns a man who continues in his disbelief and dies in disbelief. God does not accept his returning, because on that day his repentance, i.e., his belief, will not benefit him at all. The Qur'an repeatedly says that there is no deliverance after death if one dies in disbelief, and that they will not get any reply even if they asked and prayed. God says: *Except those who repent and amend and make manifest (the truth), these it is to whom I turn (mercifully); and I am the Oft-returning (to mercy), the Merciful. Surely those who disbelieve and die while they are disbelievers, these it is on whom is the curse of Allah and the*

angels and men all; abiding in it; their chastisement shall not be lightened nor shall they be given respite (2:160–62). Also He says: *Surely, those who disbelieve and die while they are unbelievers, the earth full of gold shall not be accepted from one of them, though he should offer to ransom himself with it; these it is who shall have a painful chastisement, and they shall have no helpers* (3:91). As explained in the third volume under this verse, the negation of helpers means that they shall have no intercessors.[1]

The qualifying phrase, "while they are unbelievers", indicates that there is a possibility of 'return' for a disobedient believer if he dies in disobedience—but without arrogance or negligence. Of course, death will make the idea of the servant's repentance (his return to the fold of servitude by his own choice) irrelevant, as described above. But God's return to the servant with forgiveness and mercy may still happen because of the intercessors' intercession. This in itself is a proof that the two verses primarily aim at describing God's return to His servant; if they throw some light on the servants' repentance, on their return to God, it is only incidentally and in passing.

... These are they for whom We have prepared a painful chastisement: Again the demonstrative pronoun for distant objects has been used. (The pronoun translated as 'these' literally means, 'those'.) This word, in this context, points to their distance from the courtyard of proximity and honor. *al-Iʿtād* (to prepare; to promise).

A Discourse on Repentance

Repentance, in its full significance as laid down in the Qur'an, is among those positive teachings which are exclusive property of the Qur'an. Repentance, in the meaning of belief after disbelief and polytheism, was common in all divine religions, *vis.* the religions of Moses and Jesus (peace be on both); but it was seen as 'belief' and that was that; there was nothing like analyzing the reality of repentance and extending it to the belief.

Not only that, it appears from the foundations on which Christianity was built as an independent religion, that repentance is useless and man cannot gain any benefit from it. This may easily be seen in the arguments offered for explaining the crucifixion and atonement; as narrated in the third volume[2] of this book where we have discussed the creation of Christ.

---

1 See the Eng. transl. vol. 6. [Trans.]

2 See the Eng. transl. vol. 6. [Ed.]

Nevertheless, the Church went so far in the matter of repentance that it was selling indulgence certificates turning it into a merchandise; and the priests were [and are] pardoning sins of those who confessed before them. But as for the Qur'an, it has analyzed man's condition seeing that he has been invited to God and provided with guidance; and looking at the perfection, honor and felicity he is entitled to in the hereafter near God; which is indispensable in his intended journey to his Lord—and that analysis has found the man utterly poor in his person, empty-handed in his entity. God says: *O men! you are the ones who stand in need of Allah, and Allah is He Who is the Self-sufficient, the Praised One* (35:15). Also He says: *... and they control not for themselves any harm or profit, and they control not death, nor life, nor raising (the dead) to life* (25:3).

Therefore, man has fallen in the pit of unhappiness, away from divine proximity, isolated in his neediness, as the words of God point to it: *Certainly We created man in the best make. Then We rendered him the lowest of the low* (95:4–5); *And there is not one of you but shall come down to it; this is a decided decree of your Lord. And We will deliver those who were pious, and We will leave the unjust therein on their knees* (19:71–72); *... therefore let him not drive you both from the garden so that you should be put to toil* (20:117).

Consequently, if he wants to achieve the position of honor and enjoy ever-lasting happiness, he must come out from that pit of unhappiness, return from the far away station, and transfer himself to the proximity of his Lord. It is what is called his returning to his Lord in the basic happiness, that is, true faith, and in secondary happiness, that is, all good deeds. This is what is called repentance and returning from root of happiness, that is, polytheism, and branches of unhappiness, that is, evil deeds other than polytheism. It is on repentance (that is, returning to God and removing all the pollutions of infelicity and disobedience) that settlement in the abode of honor through true belief depends, as does enjoyment of various bounties of obedience and proximity. In other words, man can reach nearer to God in the appointed abode of honor only if lie repents from polytheism and all disobedience. God says: *... and turn to Allah all of you, O believers! so that you may be successful* (24:31). Thus repentance, in the meaning of returning to God, covers both types of repentance; rather it covers these two and other kinds also, as we shall describe later, God willing.

Man is needy in himself and does not control for himself any good or happiness except by favor of his Lord. Consequently, for this return

too, he needs a favor from his Lord and a divine help in his affairs. The servant's return to his Lord with feelings of servitude and dependence needs first a return of his Lord to him with help and support; and it is a return of God to the servant that proceeds repentance of the servant to his Lord, as God has said: ... *then He turned to them (mercifully) that they might turn (to Him)* (9:118). But repentance and return to God is of no use unless God accepts it by forgiving his sins and cleansing him of the pollution of separateness; and this is the second returning of God that follows the servant's repentance, as God has said in the verse under discussion: so *these it is to whom Allah turns (mercifully)* ...

On meditating deeply, it will be realized that this plurality of divine returning occurs only when one looks at it *vis-a-vis* servant's repentance. Otherwise, it is actually a single return; that is, God turns to His servant with mercy and compassion; and it takes place when a servant repents and returns to God—and that mercy covers the servant from before his repentance till after it. Moreover, that merciful divine turning sometimes takes place even without the servant's repentance, as we have earlier inferred from the divine words: *nor (for) those who die while they are unbelievers.* It has also been explained that granting intercession for sinner servant on the Day of Resurrection is an example of turning mercifully to him. The following verse points to that connotation: *And Allah desires that He should turn to you (mercifully), and those who follow (their) lusts desire that you should deviate (with) a great deviation* (4:27).

Nearness and remoteness are relative terms. Therefore, it is quite possible that within circle of nearness some areas would be remoter than the others. In this way, 'repentance' may be used for even those good servants who are nearer to God, when they rise to a station that is even higher and nearer than their previous place. This phenomenon is seen in the verses where God mentions 'repentance' of the prophets even though they are sinless as other verses clearly say For example:

> *Then Adam received (some) words from his Lord, so He turned to Him mercifully* (2:37).
>
> *And (remember) when Abraham and Ishmael were raising the foundations of the House: "Our Lord! accept from us: ... and turn to us (mercifully), surely Thou art Oft-returning (with mercy), the Merciful."* (2:127–8).
>
> *... he (Moses) said: "Glory be to Thee, I turn to Thee, and I am the first of the believers."* (7:143).

> *Therefore be patient (O Prophet!); surely the promise of Allah is true; and seek pardon for your fault and sing the praise of your Lord in the evening and the morning* (40:55). *Certainly Allah has turned (mercifully) to the Prophet and those who fled (their homes) and the helpers who followed him in the hour of straitness ...* (9:117).

This is the general 'return' of God which is referred to by many Qur'anic verses, as for example: *The Forgiver of the faults and the Accepter of repentance ...* (40:3); *And He it is Who accepts repentance from His servants ..* (42:25).

The above discourse may be summarized as follows:

First: Bestowal of God's mercy on a servant by forgiving his sins and removing the darkness of disobedience from his heart—whether polytheism or other evils—is God's merciful returning to His servant; and return of a servant to His Lord seeking pardon of his sins and removal of his disobedience—whether polytheism or lesser evils—is the servant's repentance, and his return to his Lord.

It shows that a true Divine Call should be as much concerned with the subject of sins as it should be with polytheism and disbelief; it should invite men to a comprehensive repentance covering polytheism as well as other sins.

Second: Return of God to His servant both the first and the second one—is a grace of God like other bounties which He bestows on His creatures without any coercion or constraint from anyone else. When it is said that by reason it is obligatory for God to accept repentance, its connotation is not different from what is mentioned in many Qur'anic verses. See, for instance, the following verses:

> *... and the Accepter of repentance ...* (40:3); *... and turn to Allah all of you, O believers ...*(24:31);
>
> *... surely Allah loves those who turn much (to Him) ...* (2:222);
>
> *... so these it is to whom Allah turns (mercifully)* (4:17).

These and other such verses praise God for His acceptance of repentance, call people to repent, exhort them to seek forgiveness and turn to their Lord; as such they contain promise of acceptance of repentance, either explicitly or implicitly; and God does not break His promise.

Obviously, God is not under any compulsion to accept repentance; His is the Kingdom and authority without any exception; He does what He pleases to do and decides what He wishes. It is for Him to accept a repentance according to His promise; or to reject that which He rejects,

as is clear from the divine words: *Surely, those who disbelieve after their believing, then increase in unbelief, their repentance shall never be accepted* (3:90). Possibly the same is the connotation of the following verse: *Surely (as for) those who believe then disbelieve, again believe and again disbelieve, then increase in disbelief, Allah will not forgive them nor guide them in the (right) path* (4:137).

A very strange interpretation has been advanced by a writer concerning the Qur'anic verses narrating the story of Pharaoh's drowning and repentance: *until when drowning overtook him, he said: "I believe that there is no god but He in Whom the children of Israel believe and I am of those who submit." What! now! and indeed you disobeyed before and you were of the mischief makers* (10:90–91).

His interpretation, in short, is as follows: The verse does not indicate that Pharaoh's repentance was rejected, nor is there anything in the Qur'an to show his ever-lasting perdition. It is difficult, for someone who ponders on the spaciousness of God's mercy and its precedence over His wrath, to believe that God would drive him away who was seeking shelter at the door of His mercy and grace, abasing and humiliating himself with abject desperation. Even a human being, after acquiring natural good characteristics of generosity and benevolence, does show mercy to such persons when they are really sorry for the evil deeds they had done before. Then how much mercy will be shown by Him Who is the Most Merciful of all, the Most Generous of all and Who is the Refuge of the refuge-seekers?

Reply: This hypothesis is rebutted by the divine words: *And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: "Surely, now I repent," nor (for) those who die while they are unbelievers.* We have already explained that repentance and regret at that late hour is a falsity; man shows that remorse only because he now clearly sees the consequences of his sins, and looks at the misfortunes of the next life rushing towards him.

Not every remorse is repentance, nor every repentance acceptable. See how God describes the condition of the guilty on the Day of Resurrection: *And they shall conceal regret when they shall see the punishment* (34:33). There are many other verses describing their regret for what they had done and their plea to be sent back to this world in order that they could do good deeds, and its rebuttal that even if they were returned they would do what they were forbidden to and that they were liars.

You should not imagine even for a moment that the earlier explained

Qur'anic analysis of repentance is merely a mental exercise having no relation with realities. If you contemplate on human felicity and infelicity, goodness and wickedness, you will not get any result other than repentance. Look at a normal man in society, keeping in view the effect of education and bringing up on him. You will find that he by himself is devoid of sociological good and evil; his psyche is capable of accepting both imprints—without any preference to either. Now, let us suppose that he wants to adorn himself with merit and virtue, to acquire piety and righteousness. It will not be possible unless all necessary factors join together to rescue him from the evil conditions he is surrounded with. In spiritual context, it is like the first returning of God to His servant. Then comes the stage of taking himself out of, and away from, the shabby condition and the fetters of tardiness. It is a repentance like that of the servant returning to his Lord. Thereafter comes the final step of removing the rust of mischief and depravity from his heart, so that virtuous characteristics and light of goodness may take its place; because the heart cannot accommodate goodness and vileness together. This is equivalent to the acceptance of repentance and forgiveness—in the context of the subject under discussion. The same process takes place in the matters of collective good of society in which man lives according to natural dictate. All the rules and effects which the religion considers important in matters of repentance are applied in individual and social context too, according to the natural trait which God has created in man.

Third: As may be inferred from all the verses of repentance, including the ones quoted in this discussion, repentance is a reality having real effect on human psyche. It reforms and prepares it for human good which contains felicity of this world and the next. In other words, repentance proves effective—when it does—in removing spiritual evils which pull man to all kinds of infelicity in this life and the hereafter and prevent him from settling on the throne of felicity. But so far as the rules of *sharī'ah* and laws of religion are concerned they stay in their place. No repentance can waive them as no disobedience can remove them.

Nevertheless, there are some rules which have some links with repentance, and are waived if one repents. This is ordained, keeping in view the interest of the creation; but in no way it means that repentance, *per se*, waives any of the divine laws. God says: *And as for the two who are guilty of it* (that is, indecency) *from among you, afflict them both; then if they repent and amend, turn aside from them; surely Allah is Oft- returning*

(to mercy), the Merciful (4:16); *The punishment of those who wage war against Allah and His Messenger and strive to make mischief in the land is only this, that they should be killed or crucified or their hands and their feet should be cut off on opposite sides or they should be imprisoned; this shall be as a disgrace for them in this world, and in the hereafter they shall have a grievous chastisement; except those who repent before you have them in your power so know that Allah is Forgiving, Merciful* (5:33–34). There are a few other verses of this import.

Fourth: The basic purpose for which the institution of repentance has been established, (as is clear from the above discourse) is to get deliverance from perdition of sin and disaster of disobedience, because repentance is a means of success and is instrumental in achieving felicity, as is implied in the verse: *and turn to Allah all of you, O believers! so that you may be successful* (24:31).

One of its benefits, apart from the above, is this: It preserves the spirit of hope, lest it be overwhelmed by desperation. Man cannot proceed straight on the path of life unless there is a perfect balance between hope and fear. It is this equilibrium that attracts him to what is beneficial to him and repulses him from what is harmful; otherwise he would have perished. God says: *Say: "O my servants who have acted extravagantly against their own souls, do not despair of the mercy of Allah; surely He is the Forgiving, the Merciful. And return to your Lord ..."* (39:53–54). Any scholar of human psychology will tell you that man perseveres in his efforts with zeal and ardor as long as his labour seems to bear fruits. But if he finds his efforts going to waste, he feels dejected and depressed, hope gives way to despair and his actions lose vigor and vitality. Often he stops whatever he was doing, as he feels that he can in no way achieve success; he loses heart and is overwhelmed by pessimism. Repentance is the only cure for this disease; it revives his heart even when he has reached the brink of disaster and perdition.

Some people have misunderstood repentance and said that establishment of the institution of repentance and calling people to avail themselves of its benefits was tantamount to inciting them to commit sins and encouraging them to disobey God. When man is sure that if he committed a sin God would accept his repentance, it will surely embolden him to violate the sanctity of divine law, to dive headlong in the abyss of sins and crimes. He will go on committing sin after sin intending to repent after each transgression.

But, in view of what we have explained above, there is no room for this misunderstanding. Apart from the fact that acquirement of virtues depend on remission of sins, repentance is meant to keep the hope alive; and this revival of optimism has its own good effects. There is no question here of a man committing a sin thinking that he would repent afterwards. This objection has missed the point altogether; because such a repentance is totally devoid of the reality of repentance. Repentance is renouncement of sins, and there is no renouncement in the situation mentioned by the objector. Why? Because he had planned to repent before the sin, and with the sin, and after the sin; and how can one feel remorse (that is, repentance) before the action? The fact is that, in such cases, the whole activity—the sin and the so-called repentance—taken together is one action with one intention; and that is trickery and deception, with which he tries to deceive the Lord of the worlds. But evil plan does not beset any except its authors.

Fifth: Sin is an evil stand of man and has bad effect on his life. Consequently, he cannot repent, cannot turn away from it, unless first he realizes, and is sure of, its evil. This knowledge and certainty cannot fail to produce regret and remorse for it. Remorse is a particular psychological response to committing an evil deed. When that remorse takes hold, then man may change his direction to do some good deeds, opposite to that evil one. This second step will be a proof that he has really repented and returned to his Lord.

This forms the basis of all the formalities and manners of repentance laid down by the sharīʿah, e.g., expressing regret, asking for forgiveness, acquiring habit of doing good deeds, discarding evil deeds, and other related things described in the traditions and the books of ethics.

Sixth: Repentance means returning, by one's free will and choice, from evil and sin to obedience and servitude. As such, it can take place only where man has free choice, that is, in the life of this world. But where there is no freedom to choose between good and bad, between felicity and infelicity, there is no room for repentance. The preceding discourse throws light on this aspect.

A field where repentance is ineffective and inadmissible, is violation of other people's rights; because repentance is beneficial concerning God's rights only. If a sin has violated other people's rights, more repentance will do no good at all; the victims' pleasure must be obtained if the sinner wants to erase that sin. God has given some rights to people in their properties, honor and lives. According to the divine law, it is an injustice and transgression to violate these rights. He cannot grant remission if

someone transgresses any of these rights. Otherwise it would be tantamount to depriving the victims of their due rights without any mistake on their part. Far be it from Him to do injustice when He has forbidden us to do it; He has said: *Surely Allah does not do any injustice to men* (10:44).

Nevertheless, Islam—being repentance from polytheism—erases every preceding evil, every past sin, which concerns the branches of religion. The Prophet has said: "The Islam cuts away all (that had happened) before it". This is the connotation of those verses which declare that all sins will be forgiven. For example, God says: *Say: "O my servant! who have acted extravagantly against their own souls, do not despair of the mercy of Allah; surely Allah forgives the faults altogether; surely He is the Forgiving, the Merciful. And return to your Lord and submit to Him* (39:53–54).

Another example is the repentance of a person who originates an evil custom or leads people astray. According to numerous traditions, his chastisement will be equal to that of all those who followed him in that evil custom or went astray. Obviously, reality of 'return' cannot take place in such cases, because he had established something whose effect would persist as long as that thing continues. Unlike those sins which are confined between the servant and his Lord, it is almost impossible for an originator of an evil custom to undo what he has done.

Seventh: No doubt, repentance erases the sins where it is effective and admissible, as God says: *To whomsoever then the admonition has come from his Lord, then he desists, for him shall be what has already passed, and his affair rests with Allah* (2:275), as has already been explained in the second volume[1]. Also look at the following verse: *Except him who repents and believes and does a good deed; so these are they of whom God changes the evil deeds to good ones; and God is Forgiving, Merciful. And whoever repents and does good, he surely turns to God a (goodly) turning* (25:70–71). Its apparent meaning, especially in view of the second verse, shows that repentance, by itself or in conjunction with belief and good deeds, causes evil deeds to change to good ones.

All this is true. But the fact remains that keeping away from evil deeds is far better than committing a sin and then erasing it through repentance. God has made it clear in His book that sins, of whatever type they may be, ultimately have some links with Satanic insinuation and temptation. On the other hand He has portrayed His pure-hearted servants, those who are free from sins and evils, in a way that cannot be equalled by all praises

1 See the Eng. transl. vol. 4. [Trans.]

revealed for the others: [Satan] *said: "My Lord! because Thou hast left me to stray, I will certainly make (evil) fair-seeming to them on earth, and I will certainly cause them all to go astray. Except Thy servants from among them, the freed ones." He said: "This is a straight path with Me. Surely, as regards* My *servants, thou hast no authority over them ...* (15:39–42). Also God says quoting Iblis in the same story: *... and Thou shalt not find most of them thankful* (7:17).

So, these sinless people have a especial prestigious position in the circle of servitude that is not shared by other good repenting servants.

Examining Narrations

(1) The Messenger of God said, *inter alia*, in his last sermon: "Whoever repents one year before his death, God will turn (mercifully) to him." Then he said: "Surely, a year is too long; whoever repents one month before his death, God will turn (mercifully) to him." Then he said: "Surely a month is too long; whoever repents one day before his death, God will turn (mercifully) to him." Then he said: "Surely a day is too long; whoever repents one hour before his death, God will turn (mercifully) to him." Then he said: "Surely an hour is too long; whoever repents while his soul has reached here"—and he pointed with his hand to his throat—"God will turn (mercifully) to him." (*Man lā yahduruh al-faqīh*)

(2) al-Sādiq said when he was asked about the word of God, *And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: "Surely now I repent":* "That is, when he looks at the affairs of the next world."

Author's comments: al-Kulaynī has narrated the first tradition in *al-Kāfī* through his chain from al-Sādiq; it is also narrated through the Sunnī chains, and there are other traditions too of the same import.

The second tradition gives the explanation of the verse; also it explains those traditions which say that repentance in presence of death is not accepted. Accordingly "in presence of death" means 'when man knows that the process of death has begun, and sees the signs of the hereafter'; it is at that point that the door of repentance is closed against him. But if a man is unaware of his impending death, then there is no snag in acceptance of his repentance. Some of the following traditions have similar meaning.

(3) Zurārah has narrated from Abū Jaʿfar that he said: "When the

soul reaches here", pointing to his larynx, "then there is no repentance for the knower; but there is repentance for the ignorant." (*al-Tafsīr,* al-ʿAyyāshī)

(4) It is reported in *al-Durr al-manthūr* that Ahmad, al-Bukhārī (in his *al-Tafsīr*), al-Hākim and Ibn Marduwayh have narrated from Abū Dharr, that he said: "Surely the Messenger of God said: 'Surely God accepts repentance of His servant, or forgives His servant, until the curtain comes down.' It was asked: 'And what is the coming down of curtain?' He said: 'The soul goes out while a polytheist.' "

(5) Ibn Jarīr has narrated from al-Hasan that he said: "[A report] has come to me that the Messenger of God said: 'Verily Iblīs said when he found that Adam had cavity [in his body]: "By Thy honor! I will not leave his cavity as long as there was soul inside him." Then God, the Blessed, the High, said: "By My honor! I will not come between him and repentance as long as there was soul inside him." ' " (*al-Durr al-manthūr*)

(6) ʿAlī al-Ahmasī has narrated from Abū Jaʿfar that he said: "By God! None gets deliverance from sins except he who confesses them." Also he has narrated from the same Imām: "Enough is remorse for repentance." (*al-Kāfī*)

(7) It is narrated in *al-Kāfī* through two chains from Ibn Wahb that he said: "I heard Abū ʿAbdillāh saying: 'When the servant repents, a sincere repenting, God loves him and covers him.' I said: 'And how does He cover him?' He said: 'He makes his two angels forget what they had written against him; then He inspires his limbs and the areas of the earth to conceal his sins. Thus he meets God—when he meets Him—and there is nothing to give evidence against him concerning his sins.' "

(8) Muḥammad b. Muslim has narrated from Abū Jaʿfar that he said: "O Muḥammad b. Muslim! sins of the believer are forgiven to him when he repents from them. Therefore, the believer should perform his deeds afresh after repentance and forgiveness. But, by God! it is not but for the people of faith." "I said: 'But what if he relapses into sins after repentance and forgiveness, and then repents again?' He said: 'O Muḥammad b. Muslim! do you think that a believer servant feels remorse for his sin and asks forgiveness from God for it and repents and then God will not accept

his repentance?' I said: 'Then if he does so repeatedly; commits sin and repents and asks forgiveness?' Then he said: 'Whenever the believer returns asking for forgiveness and repenting, God the High, returns to him with forgiveness; and surely God is Forgiving, Merciful; He accepts repentance and pardons the evils.

(9) Therefore, be careful, lest you make the believers lose hope of God's mercy.' " (*al-Kāfī*)

(10) Abū ʿAmr al-Zubayrī narrates from Abū ʿAbdillāh about the words of God, And most surely lam most forgiving to him who repents and believes and does good, then continues to follow the right direction [20:82], that he said: "This verse has an explanation, which explanation is proved [by the fact] that God does not accept any deed from any servant except from him who meets Him with fulfilment of that explanation, and with that condition which God has imposed on the believers." And he said: "Repentance with God is only for those who do evil in ignorance; God means that every sin which the servant does although he may be aware of it—he is ignorant when he thinks in his heart to disobey his Lord; and God has spoken about it quoting the talk of Joseph to his brothers: *Do you know how you treated Joseph and his brother when you were ignorant?* [12:89]. So he charged them with ignorance because they planned in their hearts to commit sin against God." (*al-Tafsīr,* al-ʿAyyāshī)

Author's comments: The text of the narration is not free from confusion and disarray. Apparently the earlier portion is meant to show that good deed is accepted when the servant fulfils its condition and does not destroy it. After all, repentance is acceptable only when it restrains and prevents the one who repents from sin—even for a limited time.

And probably the text, "And he said: *Repentance with Allah is only for those*", is a new topic, to show that the word, *in ignorance,* in this verse is an explanatory clause, and that sin in general is ignorance—it has already been given as an alternative explanation in the commentary. This latter part is narrated also in *Majmaʿ al-Bayān* from the same Imām.

almizan.org

Verses 19-22

The talk returns to the subject of women, guiding the Muslims about some related matters. This piece contains the clause, *and live with them in a proper manner; then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it.* It is a basic Qur'anic principle which regulates woman's social life.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرْهًا ۖ وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِينَ بِفَاحِشَةٍ مُبَيِّنَةٍ ۚ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾

(4:19) ***O you who believe! it is not lawful for you that you should inherit women against (their) will; and do not straiten them in order that you may take part of what you have given them, unless they are guilty of manifest indecency; and live with them in a proper manner; then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it***

The Arabs of the era of ignorance counted wives of a deceased person as part of his inheritance if the woman was not the heir's mother, as history and traditions have reported. The heirs took the widow as part of their share; one of them threw a cloth on her and she became his property. If he wished, he married her, inheriting the deceased's marriage—without giving her a fresh dowry. If he disliked marrying her, he held her in his custody; then if he was so pleased, he gave her in marriage to someone and used her dowry himself; and if he wished, he kept her in straitened condition, not allowing her to marry, until she died and he inherited her property, if she had any.

Apparently, the verse forbids some custom that was prevalent among them; and as some exegetes have written, it could be the above-mentioned system of inheriting the widows. But the clause, "against (their) will", does not agree with this interpretation, whether we take it as an explanatory

clause or a restrictive one. If it were taken as explanatory clause, it would imply that the inheritance was always disliked by women, always happened against their will—and obviously it was not so. If it were taken as a restrictive clause, it would mean that the inheritance was unlawful only if it took place against the woman's will, but there was no harm if she freely agreed to it—but this too is not correct.

Of course, dislike and unwillingness was a certainty when the heirs prevented them from re-marrying, coveting, in all or most cases, their property after taking their possession by inheritance. Obviously, it is this factor—contriving to inherit the woman's property against her will—which this verse has forbidden.

As for marrying them by inheritance, this verse does not deal with it; that is forbidden by a coming verse, which says: *And marry not women whom your fathers married* ... So far as the custom of giving them in marriage to someone else and usurpation of their dowry by the concerned heir is concerned, it is forbidden by such verses as: *and women shall have the benefit of what they earn* (4:32). Also the verse: ... *then when they have fully attained their term, there is no blame on you for what they do for themselves in a proper manner* (2:234), discredits the whole custom, guiding the people to the Islamic way.

As for the words: *and do not straiten them in order that you may take* ..., they do not refer to the afore-mentioned prevention of their re-marrying (with intention of getting their property on their death), because the subsequent clause: *in order that you may take part of what you have given them,* clearly speaks about taking away part of the dowry which the oppressing husband himself had given her; it does not refer to any property which she might have got from other sources.

In short, the verse stops men from inheriting women's property against their will; it is not concerned with the custom of taking women themselves as part of inheritance. Accordingly, either the word, 'women', metaphorically refers to their property, or the word, 'property of', is implied before it.

... and do not straiten them in order that you may take part of what you have given them, unless they are guilty of manifest indecency: The conjunctive, 'and', conjoins it either with the preceding: that you should inherit, (in which case it should be translated: nor that you should straiten them), or with: it is not lawful for you, (taking the negative present tense as equivalent to prohibitive mood). *al-ʿAdl* (to prevent, to straiten, to put in difficulty); *al-fāhishah* (indecency; it is mostly used for fornication);

al-mubayyanah (clear).

Sībawayh has reportedly said that *abāna, istabāna, bayyana, tabayyana* all have the same meaning, and are used both as transitive and intransitive—all of them are used to say, for example: The thing became clear, or, I made the thing clear.

The verse makes it unlawful to put the wife in straitened condition—in any way—with intention of compelling her to pay back to the husband a part of dowry for dissolution of marriage-tie, so that she may extricate herself from that difficult life. Imposing such difficulties with this intention is unlawful for the husband. Of course, if the wife commits manifest indecency, that is, adultery, then he may put restrictions on her, keeping her in straitened condition, in order that she may pay him something to obtain divorce.

This verse is not in conflict with the verse 229 of the chapter of 'The Cow': *and it is not lawful for you to take any part of what you have given them, unless both fear that they cannot keep within the limits of Allah; then if you fear that they cannot keep within the limits of Allah, there is no blame on them for what she gives up to become free thereby.* It is a specification; the verse of the chapter of 'The Women' specifies the one of the chapter of 'The Cow', by restricting it to the case of fornication. Moreover, the payment mentioned in the chapter of 'The Cow' refers to that which is given by mutual agreement, and that cannot particularize this verse.

... and live with them in a proper manner; abundant good in it: *al-Maʿrūf* is that thing or custom which people recognize in their social structure, which they do not reject or disapprove. As the order to live with them is qualified with *al-maʿrūf,* it tells men to live with women in a manner that is known and recognized by the society.

The living together that is known and recognized by the people is as follows:

Every individual is an integral part of society, having equal importance with all other parts; they all together constitute human society; and each of them has a responsibility to strive as much as he can to make up the society's deficiencies. He earns and makes what is beneficial, takes from it according to his requirements, and gives the surplus to the society. If someone is treated in a different way, and is oppressed in a manner that his identity as an integral part is nullified, then he becomes a vassal, he is exploited but is given nothing in lieu of his labour. But it is exceptional case.

God has described in His book that all people—men and women alike—are branches of a single human root; parts and components of one human species. Society, for its existence, needs males as much as it needs females—in equal degree. God has said: *you are (sprung) the one from the other* (4:25).

There is nothing contradictory when we see that each sex has been bestowed some distinct characteristics which are not found in the other. For instance, men on the whole are distinguished for their strength and hardiness; and women by nature are more endowed with sentiments and soft-heartedness. Humanity, in its creative and social lives, needs demonstration of strength and hardiness as much as it requires permeation of love and mercy. The two qualities together represent the forces of attraction and repulsion which are prevalent in human society.

Thus the two sexes are equally balanced in weight, effect and influence; in the same way as individual males are equal in their affect and influences on this structure, in spite of their difference in natural and social matters, like strength and weakness, knowledge and ignorance, intelligence and obtuseness, smallness and greatness, leadership and subordination, mastership and servitude, nobleness and vileness, and so on.

This is the social order emanating from perceptivity of a normal society that continues on the natural way without deviation. Islam has fulfilled all requirements of society and removed its deficiencies. No wonder that it had to establish the system of equality in society; and it is this equality that is called social freedom. It gives freedom to the women like the men.

Man, *per se,* has got the faculty of understanding and free will; with that independent will, he chooses what is beneficial to him and discards what is harmful. Living in society, he has the right to choose whatever he wants—as long as it does not go against the society's well-being—with independent will without any hindrance from anyone; he is not bound to opt for someone else's choice without any will of his own. But, as you have seen, this principle is not in conflict with specialization that some classes, or a few members of the same class, should be distinguished with some especial qualities—or should be particularly devoid of some qualities. As for example, Islam has reserved judiciary, administration and *jihād* for men; also they have been given responsibility of maintaining the women. Or, as minor children are not competent to make any acknowledgement or deal, and are exempted from the sharīʿah's obligations. These examples show that different classes and individuals are governed by different

laws—which are based on difference of their weight in society—although all of them are equal in their basic value in human social structure, where the only criterion is that all are human beings having understanding and free will.

Such restrictions and exclusions are not peculiar to the Islamic laws; they are found, in varying degrees, in all civil codes; nay, in all human systems, even in primitive customs. The clause, that encompasses all these meanings, is the word of God: *and live with them in a proper manner,* as explained above.

As for the words of God: *then if you hate them, it may be that you dislike a thing while Allah has place abundant good in it,* it presents a known and definite fact in the shape of a doubtful matter. Often this style is used to prevent incitement of antagonism and prejudice in the audience. The same style is seen in the following verses: *Say: "Who gives you the sustenance from the heavens and the earth?" Say: "Allah. And most surely we or you are on a right path or in manifest error." Say: "You will not be questioned as to what we are guilty of, nor shall we be questioned as to what you do."* (34:24–25).

At the time when the Qur'an was revealed, human societies did not accord the women the status of human being; they were not considered as integral component of humanity. Some well advanced civilizations treated them as an appendage—beyond the human circle—whose only purpose was to be used and exploited by man. Others recognized that women were human beings, but of inferior quality; they were deficient in humanity, like children and idiots, but with one difference: While children's or idiot's deficiency was removable (after adulthood or by treatment, respectively) women could never attain full human status. Consequently, it was necessary for them to live as a dependent under total authority of men for ever. It is interesting to note that God has not said: if you dislike their marriage; He has ascribed the dislike and hate directly to their person: "if you hate them"; probably this expression was used keeping the above-mentioned social norm in view.

وَإِنْ أَرَدْتُمُ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَآتَيْتُمْ إِحْدَاهُنَّ قِنْطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا ۚ أَتَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُبِينًا ﴿٢٠﴾

(4:20) ***And if you wish to have (one) wife in place of another and you have given one of them a heap of gold, then take not from it***

anything; would you take it by slandering (her) and (doing her) manifest wrong?

al-Istibdāl (to seek a substitute) is used here for replacement of a wife with another; or it implies taking a wife in place of another by substitution. That is why "you wish" has been used with the *istibdāl,* although the latter's paradigm itself gives the meaning of wishing and wanting. Accordingly, the meaning is as follows: And if you wish to take one wife in place of another by substitution.

al-Buhtān is what stuns and bewilders someone; it is generally used in meaning of false accusation. Grammatically, it is *al-masdar,* but in this verse it has been used for an action, i.e., taking back a part of dowry. Syntactically it describes state of the verb, "would you take it"; and so does the phrase, "manifest wrong". The question shows disapproval.

The meaning: If you wish to divorce a wife and marry another in her place, do not take back from the divorced wife any part of the dowry which you had paid her—even if the amount you had given her was huge and you want to take only a small portion.

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا ﴿٢١﴾ وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّهُ كَانَ فَاحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا ﴿٢٢﴾

(4:21-22) ***And how can you take it when one of you has already gone in to the other and they have made with you a firm covenant? And marry not women whom your fathers married, except what has already passed; this surely is indecent and hateful, and it is an evil way.***

The question creates a sense of astonishment. *al-Ifdāʾ* (to reach, to arrive at) is used for intimate touching; it is derived from *al fadāʾ* (space, vastness).

As taking back a portion of dowry is an oppression and injustice, and the parties had lived in intimacy and union, it was really an amazing situation. Marriage and the resulting intimate sexual relation makes husband and wife like one being; and it is really strange that one should oppress one's own self, or one part of a body should oppress the other part.

Apparently, the clause, "and they have made with you a firm covenant",

refers to the union which the man had firmly established through marriage-tie; and one of whose concomitants is the dowry fixed at the time of marriage and which the woman receives from the man by right.

Someone has said that the firm covenant refers to the promise taken from man for woman that he would either retain her in a proper way or let her go with fairness, as God has mentioned [in 2:231]. Someone else has said that it refers to their becoming lawful to each other as a result of marriage. But quite obviously, these interpretations are far-fetched, as the words of the verse show.

Examining Narrations

(1) Hāshim b. ʿAbdillāh narrates from al-Sariyy al-Bajalī that he said: "I asked him about the word of God, *and do not straiten them in order that you may take part of what you have given them:* Then he quoted a talk and then said: 'As the Nabateans say that when he threw a cloth on her, he restrained her, so that she could not marry anyone else. It was a custom in the (era of) ignorance.' " (*al-Tafsīr,* al-ʿAyyāshī)

(2) Abu al-Jārūd narrates from Abū Jaʿfar about the word of God, *O you who believe! it is not lawful for you that you should inherit women against (their) will:* "It was [a custom] in the [era of] ignorance [and] when the Arab tribes first accepted Islam, that when a relative of a man died leaving a woman, that man threw his cloth on her and thus inherited her marriage by the same dowry which the [deceased] relative had given her; the man inherited her marriage as he inherited his (the deceased's) property. When Abū Qays b. al-Aslat died, Muhassan son of Abū Qays threw his cloth on the woman of his father; and she was Kubayshah bint Muʿammar b. Muʿbad. So, he inherited her marriage; then he left her—he neither went in to her nor spent on her (maintenance). So, she came to the Messenger of God and said: 'O Messenger of God! Abū Qays b. al-Aslat died and his son, Muhassan, inherited my marriage. Now he does not come to me, nor does he spend on me, nor does he release me so that I may join my own people.' The Messenger of God said: 'Go back to your house; and if God ordains something concerning your matter, I will inform you.' Then it was revealed: *And marry not women whom your fathers married, except what has already passed; this surely is indecent*

and hateful, and it is an evil way. Thus she joined her own people. Also there were (other) women in Medina whose marriage, like that of Kubayshah, was inherited; but they were inherited from sons. Then God revealed: *O you who believe! it is not lawful for you that you should inherit women against (their) will.*" (*al-Tafsīr,* al-Qummī)

Author's comments: The ending clause of the tradition is not free from muddle and confusion. However, several Sunnī traditions too have narrated this story and that the verse was revealed in that connection. All or most of the traditions say that the verse; *O you who believe! it is not lawful for you that you should inherit women ... ,* was revealed about the above-mentioned event. But you have seen in the commentary that the wording of the verse does not agree with this claim. However, there is no doubt that the said event had happened, and that the verses are somehow related to it and to the prevalent custom of the era of ignorance. Therefore, what we have written earlier should be relied upon.

(3) al-Ṭabrisī has written about the clause, *unless they are guilty of manifest indecency,* that it is better to apply this word to every sin; and has said that it is narrated from Abū Jaʿfar. (*Majmaʿ al-Bayān*)

(4) al-Shaybānī has said: "Indecency is adultery, and the verse means that if man comes to know of her indecency, then he may take ransom (from her); and it is narrated from Abū Jaʿfar." (*al-Tafsīr,* al-Burhān)

(5) Ibn Jarīr has narrated from Jābir: "Verily, the Messenger of God has said: 'Fear God about women; because you have taken them in God's trust, and have made their bodies lawful (to you) by the word of God; and it is your right on them that they should not let anyone you dislike trample your bed; if they do so then you (may) hit them (but) not violently; and they have a right on you for their maintenance and clothing in a proper way.' " (*al-Durr al-Manthūr*)

(6) Ibn Jarīr has narrated from Ibn ʿUmar that he said: "Verily, the Messenger of God said: 'O people! Verily, the women near you [that is, your wives] are [like] conscript labour [i.e., they are joined to you for ever]; you have taken them in God's trust, and have made their bodies lawful (to you) by the word of God. So you have got right on them, and it is among your rights on them that they should not let anyone trample your bed, nor should they

disobey you in any good (thing); and when they do so [i.e., fulfil these rights] then they have got right of maintenance and clothing in a proper way.' " (*ibid.*)

Author's comments: The meaning of these traditions may be understood from earlier explanations.

(7) Abū Jaʿfar has said about the word of God, *and they have made with you a firm covenant:* "Covenant is the word with which marriage is contracted " (*al-Kāfī; al-Tafsīr,* al-ʿAyyāshī)

(8) al-Ṭabrisī has said: "Firm covenant is the commitment made by the husband at the time of marriage that he will either retain her properly or let her go in fairness. This meaning is narrated from Abū Jaʿfar." (*Majmaʿ al-Bayān*)

Author's comments: This meaning is narrated from several early exegetes like Ibn ʿAbbās, Qatādah and Abū Malīkah. The wording of the verse is not out of tune with it, because this also is a covenant women make with men; although more obviously it means the marriage formula which is recited to establish marriage-tie.

(9) al-Zubayr b. Bakkār has narrated in *al-Muwaffaqiyyāt* from ʿAbdullāh b. Musʿab that he said: "ʿUmar said: 'Do not give to women a dowry more than forty *ūqiyyah*[1]. If anyone exceeds [this limit] I will put the excess amount in the treasury.' A woman said: 'You have no such authority.' He said: 'Why?' She said: 'Because God says: "*you have given one of them a heap of gold* ... " ' Thereupon ʿUmar said: 'A woman hit the mark and a man missed.' " (*al Durr al-manthūr*)

Author's comments: al-Suyūtī has also narrated it from ʿAbdu al-Razzāq and Ibn al-Mundhir from ʿAbdu al-Rahmān al-Salamī; and from Saʿīd b. Mansūr and Abū Yaʿlā through a good chain from Masrūq (and that tradition says "four hundred Dirhams" in place of "forty *ūqiyyah*"); and also from Saʿīd b. Mansūr and ʿAbd b. Hamīd from Bakr b. ʿAbdillāh al-Muzanī; and all traditions have nearly the same meaning.

(10) Ibn Jarīr has narrated from ʿIkrimah that he said about the word of God, *And marry not women whom your fathers married,* that it was revealed about Abū Qays b. al-Aslat who took Umm Ubayd bint Damrah who was the widow of his father, al-Aslat; and about

1 A weight of varying magnitude. Nowadays it ranges from 37.44 gr. in Egypt to 320 gr. in Aleppo. [Trans.]

al-Aswad b. Khalaf who had taken the daughter of Abū Talhah b. ʿAbdi al-ʿUzzāb. ʿUthmān b. ʿAbdi al-Dār, who was the widow of his father, Khalaf; and about Fākhitah, daughter of al-Aswad b. al-Muttalib b. Asad, who was the wife of Umayyah b. Khalaf and then she was taken by his son, Safwān b. Umayyah; and about Manzūr b. Rabāb who had taken Malīkah daughter of Khārijah, who was the widow of his father, Rabāb b. Sayyār.(*ibid.*)

(11) Ibn Saʿd has narrated from Muḥammad b. Kaʿb al-Qurazī that he said: "When a man died leaving a woman, his son had the right to marry her if he so wished—provided she was not his own mother—or to give her to someone else in marriage. When Abū Qays b. al-Aslat died, his son, Muhassan, succeeded him and inherited the marriage of his widow; but he did not give her maintenance nor he gave her any property as [her husband's] inheritance. Thereupon, she came to the Prophet and described the situation to him. He said: 'You go back; perhaps God will send down something about you.' Then it was revealed: *And marry not women whom your fathers married ...;* also it was revealed, *... it is not lawful for you that you should inherit women against (their) will.*" (*ibid.*)

Author's comments: We have already given Shīʿī traditions of the same meaning.

(12) Ibn Jarīr and Ibn al-Mundhir have narrated from Ibn ʿAbbās that he said: "The people of [the era of] ignorance prohibited [marriage with] all whom God has prohibited except the father's wife and having two sisters together as wives. Then God revealed: *And marry not women whom your fathers married;* and, [it is unlawful] *that you should have two sisters together.*" (*ibid.*)

Author's comments: There are other traditions also of the same meaning.

almizan.org

Verses 23–28

These are decisive verses which enumerate the women with whom marriage is prohibited—and those who are allowed. The preceding verse, which prohibited marriage with fathers' wives, is connected in theme with these verses; but its style was more in agreement with the preceding verses; that is why we included it in the preceding commentary, as it had some thematic relevance with those verses also.

The verses give a list of all those women with whom marriage is absolutely prohibited without any condition or exception. This is clear from the words immediately after enumeration of prohibited relatives: *and lawful for you is (all) besides that* ... That is why all scholars unanimously say that the verse prohibits son's daughter and daughter's daughter as well as father's mother and mother's mother; and that the verse: *do not marry women whom your fathers married,* prohibits grandfather's wife too. From this, we may easily understand the Qur'anic view about sons and daughters and that who are included in these terms according to the sharīʿah, as will be explained later, God willing.

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ
وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ
وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَائِبُكُمُ اللَّاتِي فِي
حُجُورِكُمْ مِنْ نِسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ
بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ
تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ ۗ إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا ﴿٢٣﴾

(4:23) ***Forbidden to you are your mothers and your daughters and your sisters and your paternal aunts and your maternal aunts and brother's daughters and sister's daughters and your mothers that have suckled you and your foster-sisters and mothers of your wives and your step-daughters who are in your guardianship, (born) of your wives to whom you have gone in but if you have not gone in to them, there is no blame on you (in marrying them) and the***

wives of your sons who are of your own loins, and that you should have two sisters together, except what has already passed; surely Allah is Forgiving

It is the list of those who are prohibited by blood-relation; they are seven in number. 'Mother' is a woman from whom man is born, either direct or through an intermediary, like father's mother or mother's mother, how high so ever. 'Daughter' is a woman who is born of the man, either direct or through an intermediary, like son's daughter or daughter's daughter, how low so ever. 'Sister' is a woman having affinity with the man by common birth from the same father and mother, or same father or same mother without any intermediary. 'Paternal aunt' is father's sister, as well as paternal or maternal grandfather's sister. 'Maternal aunt' is mother's sister, as well as paternal or maternal grandmother's sister.

Prohibition of mothers and the others described in the verse, means prohibition of marriage with them, as is understood from the subject and the order. It is not different from other such expressions; for example: *Forbidden to you is that which dies of itself, and blood and flesh of swine* ... (5:3), that is, eating it; and the words: ... *So it shall surely be forbidden to them for forty years.* (5:26), that is, living in it. Such metaphorical expressions are very common in every language.

Nevertheless, it seems a bit difficult to say that it is 'marriage' which is implied by the word, 'forbidden', because of the exceptional clause coming later: *except those whom your right hands possess.* Sexual intercourse with one's slave women is lawful without marriage. Therefore, it would seem more appropriate if prohibition is taken to refer to sexual intercourse, and not to marriage alone, as will be explained later. The same is the implication of the words: *that you seek (them) by means of your wealth* ..., as will be described afterwards. Thus the fact emerges that the implied word after 'forbidden' is cohabitation, or another similar word, not marriage. God has avoided mentioning it explicitly, because the divine speech refrains from such words and maintains a high moral decorum.

The talk is addressed to men. It does not say: Forbidden to women are their sons, or, for example, there is no marriage between woman and her son. It is because by nature it is the man who seeks the woman and proposes marriage.

The verse addresses the men (in plural), and also the prohibited women are mentioned in plural, e.g., 'mothers' and 'daughters', etc. It

implies comprehensive distribution. In other words, it means: Forbidden to each man among you is his mother and his daughter, etc. Obviously, it does not mean that the whole group of these women is forbidden to the whole group of men. Nor does it mean that every woman who happens to be a mother or a daughter is forbidden to every man. Otherwise, it would result in abrogation of the institution of marriage altogether. The verse, therefore, means that each man is forbidden to marry his mother, daughter and sister, etc.

... and your mothers that have suckled you and your foster-sisters: Now begins the list of the women prohibited by other than blood- relationship. They too are seven—six are mentioned in this verse and one in the preceding one: *and marry not women whom your fathers married.*

The style of the verse establishes motherhood and sonship between a woman and the child whom she suckles; likewise it creates brotherhood and sisterhood between man and his foster-sister; note how it uses the words 'mothers' and 'sisters' for them as an accepted reality. Therefore, according to the sharīʿah, breast-feeding creates relationship parallel to blood-relationship; and as will be described later, it is a special feature of the Islamic laws.

Both sects have narrated a correct tradition from the Prophet that he said: "Verily God has prohibited through suckling what He has prohibited through blood-relationship." It follows that suckling creates prohibition parallel to the prohibited blood-relationship, that is, foster- mother, foster-daughter, foster-sister, foster paternal aunt, foster maternal aunt, daughter of foster brother and daughter of foster-sister—a total of seven groups.

How the suckling relationship is established; what conditions are necessary concerning its quantity, quality and duration, to create the prohibition; and other relevant rules—these topics are explained in the Islamic jurisprudence, and are outside the scope of this book.

The words translated as, "and your foster-sisters", literally means, 'and your sisters from suckling', and the phrase refers to those sisters whom the man's mother had suckled with the milk flowing because of his father.

***... and mothers of your wives*:** It makes no difference whether the man had established sexual relation with that wife or not. The word 'women', when used in genitive construction with 'man', means wives unconditionally. This generality is clearly proved from the condition mentioned in the next sentence: *... (born) of your wives* [*lit.* 'women'] *to whom you have gone in; but if you have not gone in to them ...*

... and your step-daughters who are in your guardianship, (born) of your wives to whom you have gone in; but if you have not gone in to them, there is no blame on you (in marrying them): *al-Rabāʾib* is plural of *al-rabībah*; it means daughter of a man's wife from a previous husband; because it is the present husband who looks after the children whom his wife brings with her. It is he who in most, if not all, cases looks after them and brings them up.

The clause translated as, "who are in your guardianship", literally means, 'who are in your lap'. This too denotes majority of cases, although not all step-daughters grow up in laps of their step-fathers. That is why it is said that the words, "who are in your guardianship", merely denote general situation, because step-daughter is forbidden whether she grows up in the lap of her mother's husband or not. The clause, therefore, is explanatory, not restrictive.

It is possible to maintain that the clause, "who are in your guardianship", points to the underlying reason of the law prohibiting women of blood- and other relations, as will be described later. There is continuous and constant mingling between men and these women; they are almost always together in the homes. Consequently, it would have been impossible to avoid incest (merely with prohibition of fornication) if they were not prohibited for ever—as will be explained later.

Accordingly, the clause, "who are in your guardianship", indicates that the criterion and underlying reason of prohibition is applicable to your step-daughters as validly as it is to other groups of prohibited women, because mostly these daughters grow up in your laps and live with you together.

In any case, the clause, "who are in your guardianship", is not a restrictive proviso to limit the prohibition. In other words, it does not mean that a step-daughter is lawful to her step-father if she is not in his guardianship; let us say, if there is an adult daughter whose mother has married another husband. Note for proof the clear wordings of the next clause, "but if you have not gone in to them, there is no blame on you (in marrying them)". Obviously, establishing sexual relation with her mother has a bearing on the law of prohibition, and, therefore, its absence negates the prohibition. If the daughter's being in the step-father's guardianship had any bearing on the prohibition, it was necessary to describe it in the same way.

There is a phrase, that is, 'in marrying them', implied after the words, "there is no blame on you". It was deleted for brevity's sake as the context

had made the meaning clear.

***... and the wives of your sons who are of your own loins*:** *al-Halāʾil* is a plural of *al-halīlah*. It is written in *Majmaʿ al-Bayān:*

> *al-Halāʾil* is plural of *al-halīlah* which is a synonym of *al-muhallalah* (lawful); it is derived from *al-halāl* (legal, lawful); its masculine gender is *al-halīl* (lawful) and its plural is *ahillah* on the paradigm of *ʿazīz* and *aʿizzah* powerful). Husband and wife were given this name because each of them is lawful to his/her spouse. There is another view that it is derived from *al-hulūl* (to enter into something), because each spouse enters into bed with his/her partner.

The word, 'sons', denotes male child begotten by a human being through birth, either direct or through a son or daughter, [how low so ever]. The conditional clause, "who are of your *loins*", excludes wives of the so-called sons of adoption.

***... and that you should have two sisters together ...*:** It ordains prohibition of marrying sister of a wife as long as the wife is alive and is married to the man. It is the best and the shortest construction to express this idea. The expression makes it clear that man is forbidden to have both sisters together in his marriage at the same time. There is no hindrance if a man marries a woman and then, after her divorce or death, marries her sister. The proof may be seen in the well-established conduct of the Muslims going back to the Prophet's time.

The exceptional clause: *except what has already passed,* has the same implication here as it had in the preceding verse: *And marry not women whom your fathers married, except what has already passed.* It looks at the custom, prevalent among the Arabs of [the era of] ignorance, of having two sisters in marriage together. This clause proclaims pardon to what they had done in the past—before this verse was revealed. It does not mean that such marriages—if they were contracted earlier—could continue even after the revelation. The verse clearly shows that from now such marriages, being prohibited and unlawful, cannot continue. We have quoted in the "Traditions", under the verse: *And marry not women whom your fathers married, except what has already passed,* how the Prophet had separated between the sons and the wives of their fathers, at once after that verse was revealed, although the marriages had been contracted before its revelation.

Question: What is the use of pardoning a previous marriage which was dissolved soon after revelation of the verse, and did not continue?

What was the benefit of saying that the past union was not prohibited—was lawful—when it had already ceased to exist?

Reply: It had great benefits, because the effects of that marriage were continuing even after the marriage was dissolved, like legitimacy of children, recognition of various relationships and other related matters.

In other words, there is no use in saying that a past marriage, which had joined two sisters together, was lawful or unlawful—when both or one of them had died, or both or one of them had been divorced. But it is quite meaningful to declare that the past conjunction was not unlawful at that time. It was necessary for the welfare of the offspring of such marriages, as it gave them legitimacy and established relationship between the children and their natural fathers and other relatives, which in its turn had bearing on inheritance, marriage and other so many family affairs.

Accordingly, the clause:"except what has already passed", regularize the resulting legal aspects of that marriage—not the marriage itself which had anyhow ceased before this legislation. It shows that both sides of this exception are inter-related, are not of two different categories, as many exegetes have written.

Also it is possible to apply this exception to all the clauses mentioned in the verse—without restricting it to the last clause, "and that you should have two sisters together". It is true that the Arabs did not marry any of the women mentioned in the verse, except having two sisters together; they did not marry their mothers, daughters or other prohibited relatives. But, at the time of the revelation of these verses, there were many societies, like the Persians, the Romans and several other civilized and uncivilized nations, which married various prohibited women, each society following its own custom. Islam recognizes the validity of the prevalent marriage-systems of non-Muslim societies—provided it was considered lawful by their religion or tradition. Thus, the exception confirms the legitimacy of their children and recognizes the validity of their relationships even when they enter into the fold of Islam.

Even so, the first explanation is more obvious.

... surely Allah is Forgiving, Merciful: It explains the reason of the above-mentioned exception. It is one of those places where divine forgiveness refers to the external effects of a deed, and not to the sins and disobedience.

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ ۖ كِتَابَ اللَّهِ عَلَيْكُمْ

وَأُحِلَّ لَكُمْ مَا وَرَاءَ ذَٰلِكُمْ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ
مُسَافِحِينَ ۚ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۚ وَلَا
جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا
حَكِيمًا ﴿٢٤﴾

almizan.org

(4:24) ***And all married women except those whom your right hands possess; (this is) Allah's ordinance to you; and lawful for you is (all) besides that—that you seek (them) by means of your wealth taking (them) with chastity, not committing fornication. Then as such of them with whom you have mutʿah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed; surely Allah is Knowing, Wise***

al-Muhsanāt is the *nomen patientis* (passive participle) of *al-ihsān* (to make inaccessible); they say: *al-hisn al-hasin* (invulnerable fortress). When this verb is ascribed to woman as, for example, *ahsanat al-marʾah,* it gives one of the following three connotations: i) The woman, being chaste, protected herself and abstained from illicit sexual relations, as God says: ... *who guarded her chastity* (66:12); ii) The woman married, so her husband, or her marriage, protected her from others; in this sense, the verb may be used in passive voice; also iii) She is a free woman and it keeps her away from illicit sexual relations—because fornication was common among slave women.

Obviously, the word, *al-muhsanāt,* in this verse, has the second connotation, that is, married women. It cannot have the first or the third meaning, because apart from the fourteen groups (mentioned in the preceding two verses), the only thing prohibited is marriage with a married woman; there is no snag at all in marrying other women, whether they be chaste or unchaste, free or slave. There is, therefore, no reason for interpreting the word, *al-muhsanāt* here as chaste women (because the prohibition is not confined to the chaste women) and then attaching to the verse a condition that they should not be in other's marriage. Nor is there any justification for explaining the said word as free women (because the rules about slave women are the same as those for free ones) and then attaching to the verse a condition of their being unmarried. Such interpretations

are not agreeable to good literary taste.

al-Muhsanāt, therefore, means married women, that is, those who are presently married to a husband. The word is in conjunction with *your mothers and your daughters ...* The meaning: Forbidden to you are all married women as long as their present marriage continues.

Consequently, the exceptional clause, "except those whom your right hands possess"; will exclude one's married slave girl from this prohibition. It has been narrated in traditions that the master of a married slave woman may take away that woman from her husband, keep her untouched for the prescribed term, then have sexual relation with her, and thereafter return her to her husband.

Some exegetes have opined: The exception, "except those whom your right hands possess", means, except those chaste women whom you possess by marriage or as slave. Possession thus implies the right of having sexual pleasure.

But this opinion is not correct, because:

First: It interprets the word, *al-muhsanāt* (married women) as chaste women, and you have already seen how wrong that interpretation is.

Second: The Qur'an always uses the phrase, "those whom your right hands possess", for slaves; not for any other right of benefitting from something.

Likewise, someone has said: The phrase refers to unbeliever married women imprisoned in *jihād.* A tradition from Abū Saʿīd al-Khudrī is offered in support, in which he says: "This verse was revealed about the captives of Awtās, where the Muslims had captured some women of the polytheists, whose husbands were in (their) non-Muslim region. When this verse was revealed, an announcer announced on behalf of the Messenger of God 'Be careful! The pregnant ones should not be approached for sexual intercourse until they deliver, nor the non- pregnant ones until they complete (their) waiting period.' "

But apart from weakness of this tradition, it amounts to particularization of the verse without a particularizer. Therefore, only the meaning given by us is to the point.

... (this is) Allah's ordinance to you: The phrase, "God's ordinance to you", means: Adhere to God's command which is ordained and prescribed for you. The exegetes have said: "God's ordinance to you" is a cognate accusative of an implied verb. The original sentence is supposed to be: God has ordained an ordinance for you; the verb was then deleted and

the accusative—ordinance—attached to the subject—God—in a genitive construction, taking the place of the subject. They have not taken the phrase, "to you", as verbal-noun [in the meaning of, 'It is incumbent on you']; because the grammarians say that this phrase, as a verbal-noun, is weak in effect and its object cannot precede it [as it does in this verse]."

... and lawful for you is (all) besides that: [The construction, *mā warāʾa dhālikum* (what is besides that) requires careful consideration.] It uses, *mā* (what) which is obviously used for 'irrational' things; the demonstrative pronoun, *dhālikum,* is used for masculine singular object. Also the phrase is followed by the words: *that you seek by means of your wealth.* All these factors together make it clear that the relative and demonstrative pronouns refer to the same thing which was implied by the beginning word, "Forbidden", i.e., sexual intercourse, or words like that. Meaning: It is lawful for you to have it with other than what has been described above, that is, to have sexual intercourse after marriage with other than the fifteen prohibited groups or after obtaining in slavery some other women. In this way the appositional substantive (*that you seek them by means of your wealth ...*) will perfectly enmesh with the rest of the sentence.

Many exegetes have explained this exceptional clause in very amusing ways. One says that the clause, "and lawful for you is (all) besides that", means that all other relatives are lawful to you. According to another, it means that it is lawful for you to have less than five—that is, four or less—women that you seek them for marriage by means of your wealth. A third one opines that, it is lawful for you to have slave women outside the mentioned fifteen groups. Still another says that it means: Lawful for you is all besides the prohibited relatives—provided the number does not exceed four—that you seek by means of your wealth to marry them or purchase them in slavery.

All these interpretations are simple absurd, because none is supported by the wordings of the verse. Moreover, all of them apply the relative pronoun, 'what', to rational beings, without any justification, as you have seen above. Apart from that, the verse aims only at explaining as with whom conjugal relations cannot be established. In this context, it enumerates the prohibited groups of women—without looking at their number. There is no reason why the exceptional clause should be explained in term of numbers. The fact is that the verse aims at describing permission for the acquisition of women—other than those mentioned in the preceding two verses—by marriage or by possession.

... that you seek (them) by means of your wealth, taking (them) with chastity, not committing fornication: The clause is neither an appositional substantive standing for the preceding clauses, *(all) besides that;* or is in explicative apposition with that. In any case, it explains the lawful way of approaching women and having sexual intercourse with them. The preceding exceptional clause: *and lawful for you is (all) besides that,* if left at that, could be applied to three things: Marriage, possession by slavery and fornication. This clause, "that you seek ", forbids fornication and restricts permission to the remaining two: marriage and possession by slavery. Then it attaches importance to seeking them by means of one's wealth: In marriage, it is dowry, which is one of its chief elements; in possession, it is price, which is the main procedure of acquiring slaves. The meaning now will be as follows: Apart from the above-mentioned prohibited categories, you are allowed to seek other women by spending your wealth on dowry of those whom you marry, or on price of slave girls—in all this you have to remain chaste and avoid illicit sexual relations.

It is now clear that the word, *muhsinīn* in this clause denotes chastity; it cannot imply being married or free. The phrase "seek (them) by means of your wealth", covers marriage and possession both; there is no reason to restrict it to marriage: therefore, the word, *muhsinīn*, should not be restricted here to married ones. Also chastity does not mean celibacy; otherwise, the word would be irrelevant here. The word, chastity, as used here is opposite of illicit sexual relations of all types. It tells men to restrain themselves from unlawful sexual activities and restrict themselves to what God has allowed of the sexual enjoyment—to which man is attracted by natural instinct.

Someone has said that the clause, "that you seek (them)", means 'in order that you may seek them'. But this view is not correct. This clause explains the same thing which was said by the preceding one: *and lawful for you is (all) besides that.* Therefore, it is appositional substantive standing for the preceding clause; it does not mention anything that springs from the preceding one, or which is the effect of that.

Likewise, another writer has opined that the verb, *al-musāfahah* (to spill or shed something; metaphorically used in meaning of fornication) used here in the form of *ghayra musāfihīn* (translated here as, not committing fornication) has actually been used in its literal sense, and the verse forbids merely ejaculating semen in womb, without intending to achieve the goal for which God has created the natural sexual urge in man, i.e.,

without wanting to establish a family and procreate. Conversely, *al-ihsān* (which aims at producing children.) implies permanent marriage

Reply: The only thing that can be said about the writer is that he is confused. Generally, there are two ways of discussing a law: Sometimes one looks at its underlying reason and benefit; at other times, talk is focused at the law itself. That writer has muddled the two together, inadvertently putting himself in a corner.

Discussion about underlying reason of a law is rational in nature, based on intellect; while discussion of the law itself—together with its subject, concomitants, conditions and impediments—is based on its wordings, and its expansion or constriction depends entirely on that of the phraseology chosen by the Law-giver. Of course, there is no doubt that all the divinely ordained laws are based on genuine reasons and benefits. The ordainment of marriage laws too is based on real benefit, genuine underlying reason, and that is procreation. We also know that the system of creation wants human species to continue through successive existence of its individual members—as long as God wished. To achieve that goal, human body has been equipped with procreative organs; which take a minute part of human bodies, nurture and develop it until it becomes a new human being, ready to take the place of the preceding generation. In this way the species continues without interruption. At the same time, sexual urge was ingrained in human beings in order that they should not neglect using the said organs. It is because of this urge that each group—male and female—is attracted to the other and establishes sexual relations. All this was perfected with the power of understanding, which prevents human beings from subverting this process to which the system of creation invites.

Even so, although the natural system has achieved its goal, that is, continuation of human species, we know that not every sexual intercourse between man and woman achieves that goal. Cohabitation is the initial step on that path. But not every union is blessed with child, nor every sexual intercourse results in pregnancy, nor every lust brings about that effect. Not every man or woman, nor every marriage, is inexorably pushed to cohabitation and procreation. These things happen in many, but not in all, cases.

The natural faculty exhorts man to marry, seeking procreation through sexual urge; and the reason ingrained in him restrains him from indecency, from unlawful carnal activities, as such deviation spoils felicity of life,

demolishes foundation of family and disrupts procreation. This composite benefit—procreation and prevention of indecency is the underlying reason (which takes place in most of the cases), on which the institution of marriage is based in Islam. But this 'appearance in most of the cases', this generality, governs the underlying reason only. So far as the related ordained laws are concerned, they are not for 'most', but for all, human beings and for all times.

Therefore, it is not correct to say that marriage or cohabitation should be lawful or unlawful depending on whether or not the afore-said benefit can be obtained from it. It will be absurd to claim that marriage is not lawful without intention of procreation. Otherwise, such people will have to say that: marriage of an infertile man or woman is unlawful; marriage of a woman in menopause is unlawful; marriage of a minor girl is unlawful; marriage of a fornicator is unlawful; intercourse with a pregnant wife is unlawful; intercourse without ejaculation is unlawful; marriage, before establishing a household is unlawful; and so on and so forth.[1]

The fact is that marriage between male and female is a lawful institution, and it has its own permanent rules and regulations [which apply to the whole mankind for all times to come—without any exception]. This institution was established for protection of common benefits which are obtained from it in most cases, as you have seen. But it is meaningless to make this ordained institution dependent on that benefit for its existence [or lawfulness], or to say that every marriage or its every rule or aspect that did not lead to procreation was unlawful.

... Then as to such of them with whom you have mutʿah give them their dowries as appointed; ...: Probably, the word, *mā* (translated here as 'such') is relative pronoun; the verb, *you have mutʿah* is its antecedent; the pronoun in *bihi* (with whom) refers to the relative pronoun, and the

1 The Vatican seems oblivious of this simple difference between underlying reason of a law and the law itself. That is why it has totally prohibited use of contraceptives, on the plea that it goes against the philosophy of marriage. But does Vatican have the conviction of courage to take this 'argument' to its logical end? Is it prepared to forbid intercourse with a pregnant wife, or ban marriage of infertile men or women? They should have banned these and other examples given in the text because they too cannot produce pregnancy. The prelates of the Roman Catholic Church—all unmarried men—are perhaps unaware that lawful satisfaction of sexual urge is in itself a valid underlying reason of marriage. [Trans.]

words, "of them" to the antecedent. Meaning: Then as to Such of the women with whom you have *mutʿah.*

Another possible grammatical explanation: The pronoun in *bihi* (with which) refers to cohabitation (which was implied in the clause: *and lawful for you is (all) besides that; mā* then would denote time and mean 'whenever'; and the words, 'of them', would be connected to the verb, *istamtaʿtum* which may literally be translated as, 'you seek to enjoy'. In this case, the translation would be as follows: Then whenever you seek to enjoy (sexually) with any of them, give them their dowries as appointed.

This sentence, "Then as to such of them ...", undoubtedly branches out from the preceding talk—as the letter, *fa* (then) shows—as a component is described after the whole, or a particular is explained after the general. As was explained, the preceding sentence: *that you seek (them) by means of your wealth* ..., is certainly a branching of a component or particular from a whole or general concept.

Such branching is very common in the divine book. For example: *For a counted Number of days; then whoever among you is sick or on a journey* ... (2:184); ... *when you are secure, then whosoever enjoys by the ʿumrah until the* hajj ... (2:196); *There is no compulsion in religion; truly the right way has become clearly distinct from error; therefore, whoever disbelieves in the rebels (false deities) and believes in Allah* ... (2:256); there are many such examples.

There is no doubt whatsoever that the word, *al-istimtāʿ* (*lit.*, to enjoy) used in this verse means *mutʿah* marriage. The verse is Medinite, and a part of the chapter of 'The Women', that was revealed in the first half of the Prophet's life at Medina, as the majority of its verses indicate; and in that period this type of marriage, that is, *mutʿah,* was, without any doubt, a common practice, a prevalent custom among the Muslims—and the traditions unanimously accept this fact. It makes no difference whether or not it was Islam which had originated this system; what is important is the fact that this marriage was in vogue within the sight and hearing of the Prophet; and it had this very name, *mutʿah;* no other word was used to denote this type of marriage. Accordingly, there is no escape from applying the clause, *fa-māstaʿtum bihi minhunna* to the *mutʿah* marriage. There were so many customs, practices and cohabits prevalent among the Arabs at the period of the revelation, which had their own well-known and well-understood names; and whenever a verse was revealed concerning them using their names whether it was confirmation or rejection, order or

prohibition—there was no other way but to apply that nomenclature to their usual meanings i.e., to the customs concerned; nobody ever thought of interpreting those names in their literal sense. For example, Qur'an has used the words, *hajj,* trade, interest, profit, booty, and many similar names, but no one could ever think that, for instance, *hajj* of the House meant planning to go to the Kaʿbah; nor were other such names ever explained in their literal meanings. Likewise, the Prophet brought many items of the sharīʿah, and they spread with their given religious names, like *salāt, sawm* (fast), *zakāt, hajjuʿt-tamattuʿ,* etc. After the establishment of these names, nobody would think of applying these words, when they appear in the Qur'an, to their original literal meanings—once the words have been established for their terminological meanings—in the usage of the religion or the people of religion.

Therefore, the only possible way is to apply the word, *al-istimtāʿ,* of this verse, on the *mutʿah* marriage, because it was known with this very name when this verse was revealed. It is quite irrelevant whether or not the *mutʿah* marriage was later abrogated by the Qur'an or tradition.

In short, the verse speaks about an aspect of the *mutʿah* marriage; and it is the explanation which is narrated from the ancient exegetes among the Companions and their disciples, like Ibn ʿAbbās, Ibn Masʿūd, Ubayy b. Kaʿb, Qatādah, Mujāhid, al-Suddī, Ibn Jubayr, al-Hasan and others. The same is the *madhhab* of the Imams of the Ahl al-bayt.

This shows the incorrectness of the following two interpretations: Some exegetes have written that *al-istimtāʿ* (*lit.,* to seek enjoyment) means marriage, because marriage-tie is established in order to get enjoyment from it.

Someone else has said that *istamtaʿtum* actually means *tamattaʿtum* (you enjoy); and 's' and 't' have been added only for emphasis, [not to indicate seeking of something].

But both opinions are wrong, because prevalence and currency of *mutʿah* marriage (with this very name) among them does not leave any room to its literal meaning to enter the hearers' minds.

Moreover, if we accept [for the sake of argument] that the verse means seeking enjoyment, or enjoying, then this conditional clause would not agree with the resulting clause. It will be wrong to say that when you enjoy (sexually with) or seek to enjoy with, a woman, then give her dowry to her. The wife becomes entitled to dowry just on recitation of the formula of marriage; it does not depend on sexual relation, nor on the pursuit of the

same (a term which may apply even to proposal of marriage, recitation of marriage formula, foreplay and sexual intercourse, etc.). Of course, half of the dowry is payable on recitation of the formula and the balance on coition. Apart from that, many verses, which were revealed before it, had fully established the obligatoriness of paying dowry, with all its various propositions. Accordingly, there was no reason to repeat the order of its obligatoriness here. Vide, for example:

> *And give women their dowries as a free gift* (4:4).
> *And if you wish to have (one) wife in place of another and you have given one of them a heap of gold, then take not from it anything* ... (4:20–21).
> *There is no blame on you if you divorce women while yet you have not touched them or appointed for them a dowry, and make provision for them, on the wealthy according to his means and on the straitened in circumstances according to his means, ... And if you divorce them before you have touched them and you have appointed for them a dowry, then (pay to them) half of what you have appointed, unless they remit or he remits in whose hand is the marriage-tie; and it is nearer to piety that you should remit;...* (2:236–7).

Someone has proposed that this sentence may be aiming at putting emphasis on the law of dowry. But the above-mentioned verses, and especially the ending clauses of the verses: *And if you wish to have (one) wife in place of another ...,* are much more forceful and stronger than the verse under discussion. Therefore, how can this verse be supposed to put emphasis on those verses?

Now, a look at the question of abrogation:

1) It has been said that this verse was abrogated by the following verses of the chapter of 'The Believers':... *And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable; but whoever seeks to go beyond that, these are they that exceed the limits* (23:5–7).

2) It was abrogated by the verse of *al-ʿiddah* (waiting period after divorce or death of husband): *O Prophet! when you divorce women, divorce them for their prescribed time, and calculate the number of the days prescribed* (65:1); *And the divorced women should keep themselves in waiting for three monthly courses* (2:228).

Their argument: The marriage is dissolved by means of divorce and

waiting period, but *mutʿah* marriage has neither.

3) It was abrogated by the verse of inheritance: *And you shall have half of what your wives leave* ... (4:12). There is no inheritance in *mutʿah* marriage.

4) It is abrogated by the verse of prohibition: *Forbidden to you are your mothers and your daughters* (4:23), as this verse is about marriage.

5) It is abrogated by the verse of number: ... *then marry such (other) women as seem good to you, two and three and four* (4:3).

Others have said that the verse of *mutʿah* is abrogated by tradition. [But they seem unable to agree on its details:]

It is said that the Messenger of God abrogated the *mutʿah* marriage in the year of Khaybar [that is, 7 A H].

Others say: It was abrogated in the year of the Conquest [of Mecca, that is, 8 AH].

Third claim: It was abolished in the Last Hajj [that is, 10 A H].

A fourth claim is that *mutʿah* was allowed, then forbidden; and this alternate permission and prohibition happened twice or thrice, and the last order was of prohibition.

Let us look at the claims of abrogation by the Qur'an:

1) As for the verse of the chapter of 'The Believers', first of all it cannot abrogate the verse of *mutʿah,* because it is of Meccan period while the verse of *mutʿah* is of Medinite period, and a Meccan verse cannot abrogate a Medinite one.

Secondly, the claim that *mutʿah* is not a marriage, or a woman married in *mutʿah* is not a wife, is totally unacceptable. You will see the truth if you just look at the sayings of the Prophet and wordings of the early Muslims, including the Companions and their disciples, who always called it *mutʿah* marriage.[1]

2) As for the claim of abrogation by the verses of inheritance, divorce or number, the relation between these and the verse of *mutʿah* is not that of abrogator and abrogated. It is the relation that exists between general and particular, or between unrestricted and restricted. Let us look, for example, at the verse of inheritance; it is general and covers all wives

1 A part from that, the arguments about the *mutʿah* are intended to establish whether *mutʿah* is a valid form of marriage or not; whether the woman of *mutʿah* is a lawful wife or not. Now to assume that the word, 'mates' (or wives), used in this verse excludes the mutʿah wife, is to beg the question. [Trans.].

whether married in permanent marriage or temporary one; and then the tradition particularizes it by removing some groups from its jurisdiction, that is, it excludes wives of *mutʿah* marriage from inheritance.[1] The same is obviously the case with the verses of divorce and number. Probably those who claimed abrogation could not distinguish the two relations.

Of course, some scholars of the Fundamentals of Jurisprudence have said that if a particular order is given then a contradictory general order follows, it abrogates the previous particular one. But apart from weakness of this view (as has been explained in its place), it cannot be applied to this case, because: The verse of divorce (the general order) is in the chapter of 'The Cow', which is the first Medinite chapter revealed before the chapter of 'The Women' which contains the verse of *mutʿah.*

Likewise, the verse of number, a part of the same chapter of 'The Women', precedes [and is not preceded by] the verse of *mutʿah;* the same is the case with the verse of inheritance, which comes before the verse of *mutʿah* in one uninterrupted sequence and context in the same chapter. The particular order, therefore, was given later than the general one, in any case.

3) The claim, that this verse was abrogated by this very verse of prohibition is most astonishing of all. First, because the whole verse containing details of prohibited women and permission of *mutʿah* is one single speech, having one context; its sentences are interlinked, its parts interconnected. How could it be imagined that one of its clauses would legalize the *mutʿah* marriage and the preceding sentences would revoke this subsequent order?

Secondly, this whole verse says nothing, explicitly or implicitly, about prohibition of temporary marriage. It only aims at describing the categories of the women who are prohibited to man, and then at declaring that all other women are lawful to them, either with marriage or possession; and as we have explained, *mutʿah* is a marriage. The two things are not contradictory to each other, so that it could lead to abrogation or revocation.

Objection: The clauses: *and lawful for you is (all) besides that—that*

1 There are other examples where a wife is not entitled to her husband's inheritance. For example, if she is a slave or has killed the husband, she is debarred from his inheritance. Likewise, the Sunnīs allow marriage with a Jewish or Christian woman, but she, being an unbeliever, does not get any share in the husband's inheritance. Nobody would suggest that this exclusion affects her status as wife in any way. [Trans.]

you seek (them) by means of your wealth, taking (them) with chastity, not committing fornication, makes it difficult to interpret this verse in terms of *mutʿah.* The former has made lawfulness of women conditional on dowry and on marriage without fornication; and there is no marriage in *mutʿah;* that is why if a man (who has a *mutʿah* wife) commits adultery, he is not stoned, because he is not considered as married.

Reply: First, this argument is not based on solid grounds. We have already described (while explaining the phrase, *taking* [them] *with chastity, not committing fornication*) that *al-ihsān* in this context means chastity, not marriage, because the phrase covers union with one's slave girls as well.

Second: There will be no difficulty even if we agree, for the sake of argument, that *al-ihsān* refers here to marriage. It would only mean that the law of stoning an adulterer was not applicable to a man who had a wife of *mutʿah,* and that this exclusion was based on the tradition, not on the Qur'an. After all, the law of stoning itself is not mentioned anywhere in the Qur'an.

As for the claim of abrogation by tradition, we shall discuss it in detail under the "Traditions". At this juncture, it is enough to point out that such abrogation is invalid *ab initio,* as it goes against the *mutawātir* traditions ordering the Muslims to judge the traditions with the help of the Qur'an and reject what does not agree with it.

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَا
مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ ۚ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ ۚ
بَعْضُكُمْ مِنْ بَعْضٍ ۚ فَانْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أُجُورَهُنَّ
بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ۚ فَإِذَا
أُحْصِنَّ فَإِنْ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ
الْعَذَابِ ۚ ذَٰلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ ۚ وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ ۗ
وَاللَّهُ غَفُورٌ رَحِيمٌ ﴿٢٥﴾

(4:25) ***And whoever among you has not within his power ampleness of means to marry free believing women, then (he may marry) of those whom your right hands possess from among your believing maidens; and Allah knows best your faith: you are (sprung) the one from the other; so marry them with the permission of their***

people, and give them their dowries justly, they being chaste, not fornicating, nor receiving paramours; and when they are taken in marriage, then if they are guilty of indecency, they shall suffer half the punishment which is (inflicted) upon free women. This is for him among you who fears falling into evil; and that you abstain is better for you, and Allah is Forgiving, Merciful

al-Ṭawl (riches; ampleness of ability); either meaning fits in the context. *al-Muhsanāt* in this verse means free women, because it has been used in contrast to slave women; this also shows that it has not been used in the meaning of chaste; otherwise it would have been contrasted with unchaste. Obviously, it does not refer to married women either, because they cannot be married again [as long as their present marriage continues]; nor does it mean Muslim women; otherwise there was no need to qualify it with the adjective, 'believing'.

The words, "those whom your right hands possess", actually means slaves of other believers than him who intends to marry, because a man is not allowed to 'marry' his own slave girl—such a marriage is void. Possession has been ascribed to all the believers—not excepting the suitor—because Islam counts all believers as one body, not separate from one another, inasmuch as their religion is one and their benefits are one; it is as though they were one person.

The words, 'free women' and 'maidens', have been qualified with the adjective, 'believing'. It indicates unlawfulness of marriage with non-believing woman, be she a Jewish, a Christian or a polytheist. This topic has a supplement which will be found in the beginning of the fifth chapter, 'The Table', God willing.

The verse says that whoever among you is unable to marry free believing woman, inasmuch as he does not have means to pay dowry and meet her expenses, then he may marry believing slave-girls, in order that he should not face difficulties (because of his inability to marry free women) and should not put himself in danger of indecency and spiritual infelicity.

The marriage, in this verse, refers to permanent marriage. The verse provides an alternative (of an inferior category), that is, if you are unable to do that, then do this. The talk has been confined to only one group of the higher category, that is, to the permanent marriage, to the exclusion of the temporary one, because it is the permanent marriage which is more popular and which a man—who wants to establish a house, procreate and

leave an heir—naturally opts for. As for the *mutʿah* (temporary) marriage, it is a facility provided by the religion, which God has used to lighten the burden of His servants, in order that the path of indecency should be closed and social evils be uprooted.

Not infrequently, the Qur'an narrows an ongoing talk to its well-known aspects which generally come to mind at the first glance—and especially so in ordaining the sharīʿah's rules and regulations. For example, God says:

... so whoever of you witness the month, he shall fast therein, and whoever is sick or on a journey, (he shall fast) the same number of other days (2:185). But we know that genuine reasons of postponing a fast are not confined to sickness and journey.

... and if you are sick, or on a journey, or one of you come from the privy or you have touched the women, and you cannot find water, betake yourselves to clean earth (4:43). As you see, the verse mentions only the more common and well-known causes of *al-tayammum* (ritual ablution with earth). There are many examples of this style.

This explanation has been written keeping in sight the general view that this verse refers to the permanent marriage. But its wordings can easily be applied to marriage in general—permanent and temporary alike—as will be shown in explanation of the rest of the clauses.

What we have shown here is that even if we apply the word 'marriage' here to permanent one, and look at the inferior alternative it provides and the latitude it gives, it does not necessarily follow that the marriage in preceding verse should exclusively refer to the permanent one and that the verse: *Then as such of them with whom you have mutʿah* ..., should have nothing to do with *mutʿah* marriage—as some people have said. The fact is that both sides of this latitude—the original order and the alternative—are found in this very clause, "And whoever among you has not within his power ampleness of means then (he may marry) of those whom your right hands possess ". There is no need to go further back to explain this verse.

... and Allah knows best your faith: you are (sprung) the one from the other;: As this order was conditional on belief; and belief is a matter of heart, the reality of which cannot be known by others. There was a possibility for people to think that the permission was conditional on something difficult or next to impossible; this could have prevented them from making use of it. Therefore, God declared that He knows the faith

of His believing servants. It implies that people are required to base their mutual dealings on apparent signs that point to the faith, like the two witnessing, attending congregational prayers and discharging common religious duties. Thus, the criterion is the apparent belief, not its reality.

The direction given to non-affluent Muslims to marry slave-girls, had another apparent disadvantage, which could affect compliance: Common people looked down at slaves, who generally suffered from disrespect and dishonor, indignity and humiliation. This created in the people a sort of disinclination towards mingling and mixing with them socially, and particularly towards establishing marriage-ties with them, which is a lifelong partnership and unites both parties in heart and body.

[To erase that aversion] God has said, "you are (sprung) the one from the other". It is a clear reality which would, if pondered upon, remove this wrong impression, this prejudice. Slave is as much a human being as is a free man; there is no difference between them in any aspect of humanness. The only difference is in some laid down rules which were necessary for maintenance of human society, so that they could lead to people's felicity. But such distinctions have no validity before God. What is recognized there is the piety with which man finds honor before God. It is not good for the believers to be influenced by such imaginary allusion which would remove them from knowledge, the real knowledge that ensures their success and happiness in both worlds. It should not be forgotten that deviation from the straight pathway—even if it looks slight in the initial stages—continues to take man further and from the path of guidance until it throws him into the valley of perdition.

It is now clear that the sequence in the beginning of the verse that contains a condition and implies a sort of concession and latitude (*whoever among you has not within his power ampleness of means to marry free believing women, then* [he may marry] *of those whom your right hands possess* ...), is just a way of talking, using the same style which the audience generally did under the influence of its habit and custom. But it is not an obligatory condition that the believers must follow this sequence. In other words, it is not that one has to be too poor to marry a free woman before he is allowed to marry a slave girl. It is just that the Qur'an has addressed the people in their own language. That is why it has said that if you are unable to marry free women, you should marry slave girls without any hesitation. Then it has drawn their attention to the fact that the free and the slave both are members of the same humanity, each of them is related

to the other.

It also shows incorrectness of what someone has written under the clause, "and that you abstain is better for you", that it means: if you abstain from marrying slave women and remain chaste, it is better for you than marrying them—as it may bring disgrace and indignity to you. The fact is that the clause, "you are (sprung) the one from the other", contradicts such interpretations.

... so marry with the permission of their people and give them their dowries justly, they being chaste, not fornicating, nor receiving paramours;: In this paragraph, *al-muhsanāt* refers to chaste women; it cannot mean married ones, because there is no question of marrying them while they are married. *al-Musāfihāt* (fornicating women) is placed parallel to the phrase, "receiving paramours". *al-Akhdān* is plural of *al-khidn* (friend, paramour); it is used for masculine as well as feminine, and for singular as well as plural; this verse uses the plural form to clearly point to numerousness; when one takes a paramour for fornication, one generally does not stop at one or two, because man's appetite does not stop at any point once it exceeds the limit.

It is looking at this contraposition that someone has said: The word, fornication, as used in this verse, means open illicit sexual relation, and receiving paramour implies secret liaison. Such secret affairs were commonplace in Arabia; even among free women, it was not frowned upon; while open fornication was criticized if done by other than slave girls.

The clause, "so marry them with the permission of their people", advises them to marry slave women provided it is done with permission of their masters; because the rein of their affairs is held by none other then their masters. The masters have been called their 'people' in accordance with the preceding clause: *you are (sprung) the one from the other;* thus the slave girl is a member of the family of her master, and the master is her guardian, her people.

One has to give them their dowries in a proper way. In other words, the suitor should fix her dowry according to prevalent standard; paying it to her actually means paying it to her master. The clause guides the people to appoint and pay their dowries without reduction, without delay and without hurting the feelings.

... and when they are taken in marriage, then if they are guilty of indecency, they shall suffer half the punishment which is (inflicted) upon free women: The verb *uhsinna* (they are taken in marriage) is in passive voice;

some have recited it in active voice, and that recitation is rather preferable.

If *al-ihsān* refers to their marriage, then it was included in the conditional clause just because the preceding talk had circled around their marriage. [It has no legalistic significance] because if a slave fornicates, she gets only half the punishment of a free woman who is guilty of the same offence; and it makes no difference whether the slave-girl is married or not; her being married does not increase her sentence in any way.

But if *al-ihsān* refers to their being Muslims—which the recitation of active voice would support—then the meaning will fit the wordings effortlessly. They shall suffer half the punishment of the free women, no matter whether they are married or not.

The punishment refers to flogging, not stoning, because stoning cannot be halved. This in its turn proves that the word, *al-muhsanāt* (translated here as 'free women') refers to unmarried ones, and not to the married ones who are mentioned by the same word, in the beginning of the verse [24: *And all married women* ...]. The definite article in 'the punishment', refers to the well-known punishment. The meaning: If believing slave women commit indecency, i.e., fornication, they shall be given half the punishment of unmarried free women, that is, they shall receive fifty stripes.

Another possible explanation: *al-Ihsān* may imply chastity. The slave girls in those days were not free to do as they liked; they had to obey the orders of their masters, especially in indecency and debauchery. When they indulged in prostitution, it was usually by the order of their masters who exploited them and used them as a source of income. The masters sold their slaves' honor to increase their wealth. This aspect is implied in the prohibition contained in the verse: *and do not compel your slave girls to prostitution when they desire to keep chaste, in order to seek the frail good of this world's life* (24:33). Obviously when they sold their bodies and indulged in prostitution, it was done by the order of their masters, without any choice left to them. If the masters did not compel them for fornication, then the believing slaves among them would have observed Islamic piety, at least in appearance, and would have preserved their chastity as was expected of a believer. But if they indulged in fornication after that, then they would be given half the punishment of free women. It is this aspect to which the verse points, "and when they are taken in marriage, then if they are guilty of indecency, they shall suffer half the punishment which is (inflicted) upon free women".

But if the word *uhsinna* (translated here as, "taken in marriage"),

is taken to indicate chastity ['and when they become chaste'], then the conditional clause would be superfluous, because if they were not chaste then they would be under duress, compelled to do as their masters said. Likewise, there would be no meaning in the words: *and do not compel your slave girls to prostitution, when they desire to keep chaste* (24:33), because if they do not want to be chaste, there is no question of compulsion by the masters—they would indulge in fornication willingly. Think over it.

This is for him among you who fears falling into evil ... Forgiving, Merciful: *al-ʿAnat* literally means affliction, hardship and perdition; in this context, it implies fornication, which takes place when man is afflicted by lust, suffers from hardship of sexual desire and thus falls in perdition. The demonstrative pronoun, 'This', reportedly refers to the marriage with slave girls mentioned in this verse. Accordingly, the next clause, "and that you abstain is better for you"; would mean: If you abstain from marrying slave girls, or from fornication, it is better for you. Also, possibly the pronoun refers to obligatoriness of marriage with slave girls, or marriage in general—if such ideas could be inferred from the context of the preceding verse; and God knows better.

However, abstinence and patience is better, in any case. If it indicates abstaining from marrying slave girls, it is because of the rights their masters have on them and on their offspring—as described in books of jurisprudence; and if it implies abstaining from illicit sexual relations, then it looks at the purity of character that the patience and abstinence create, and at the trait of piety which is strengthened when man refuses to yield to his lustful desires—no matter whether he is married or not; "and God is Forgiving, Merciful": He erases, through His forgiveness, the effects of evil thoughts from the minds of His pious servants, and has mercy on them.

يُرِيدُ اللَّهُ لِيُبَيِّنَ لَكُمْ وَيَهْدِيَكُمْ سُنَنَ الَّذِينَ مِنْ قَبْلِكُمْ وَيَتُوبَ عَلَيْكُمْ ۗ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٢٦﴾

(4:26) Allah desires to explain to you, and to guide you into the ways of those before you, and to turn to you (mercifully), and Allah is Knowing, Wise.

The first part of the sentence and the subsequent ones indicate and explain the ultimate goal of various laws ordained in the preceding three verses; and the benefits that are derived when society follows them

scrupulously. The meaning, accordingly, will be as follows: God desires to explain to you the rules of His religion, as it leads you to the good of this world and the next one, and contains many underlying benefits and reasons. According to this explanation, the object of this verb was deleted to show its greatness and importance. Another possibility: The verbs, "to explain to you", and "to guide you", may be having a common object, i.e., 'the ways of those before you'.

... and to guide you into the ways of those before you: That is, the life-styles of the prophets and the good people, who spent their days seeking God's pleasure, and through it enjoyed the happiness of this world and the hereafter. If this interpretation is correct, then "the ways" would indicate their way of life in general terms, not all their customs and traditions with all their details and particulars. Accordingly, there would be no room for the objection, that the ancients had some laws which these very verses have revoked, like marriage between brothers and sisters in Adam's time, and having two sisters together (in the sharīʿah of Jacob, who, according to some reports, had two sisters together—Leah, mother of Judah, and Rachel, mother of Joseph).

There is another interpretation offered by some people: The clause speaks about guiding to the ways of all previous societies, no matter whether they were on the right path or the wrong. Accordingly, it means: We have explained to you all the previous customs—right and wrong, all—in order that you may have an insight into them, adopt the right customs and reject the wrong ones.

There is no difficulty in accepting this meaning, except that guidance has not been used in this meaning in the Qur'an. It has always been used for conveyance to the truth or to show the truth. God says: *Surely you cannot guide whom you love, but Allah guides whom He pleases* (28:56); *Surely We have shown him the way; he may be thankful or unthankful* (76:3). It is more appropriate to the Qur'anic taste to express such ideas, as given by that exegete, with the words, explanation or narration, etc.

Nevertheless, if the verb, "to explain to you" and "to guide you" are taken to have the common object, "the ways of those before you"; and the subsequent verb, "to turn to you (mercifully)", is also taken to refer to the same, then the above explanation will fit the verse properly. The meaning, then, would be as follows: 'God explains to you the ways of those before you, and guides you to the correct ones among them, and turns mercifully to you concerning the wrong customs which you had adopted.'

The preceding verses have mentioned previous people's customs—right and wrong both—and have proclaimed pardon for the wrong practices of the past.

... and to turn to you (mercifully), and Allah is knowing, Wise: *al-Tawbah* here refers to God's turning to His servant with favor and mercy, ordaining the sharīʿah and explaining the reality, and guiding him to the right path. All these are various facets of God's turning, as is the acceptance of the servant's repentance and erasure of sin's effects and consequence from him.

The ending clause, "and God is Knowing, Wise", covers all the clauses of the verse. Had it been connected only to the last one, it would apparently have been more appropriate to say: and God is Forgiving, Merciful.

وَاللَّهُ يُرِيدُ أَنْ يَتُوبَ عَلَيْكُمْ وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ الشَّهَوَاتِ أَنْ تَمِيلُوا مَيْلًا عَظِيمًا ﴿٢٧﴾

(4:27) ***And Allah desires that He should turn to you (mercifully), and those who follow (their) lusts desire that you should deviate (with) a great deviation.***

The verse reiterates God's turning to the believers to indicate that the following sentence, that is, "and those who follow (their) lusts desire that you should deviate (with) a great deviation", stands face to face with the only last of the three clauses of the preceding verse. If there were no repetition, the sentence, "and those who follow ...", would have looked as standing parallel to all three preceding clauses, and would have seemed irrelevant.

The great deviation implies transgression of God's limits described in these verses: Having incestuous relations; disregarding the effects of blood-and marriage-relationships; licentiousness and debauchery; and refusal to follow the right path laid by God.

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ ۚ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا ﴿٢٨﴾

(4:28) ***Allah desires that He should make light your burdens, and man is created weak***

Man is weak. Why? Because desire is an integral part of his creation; it unceasingly incites him to indulge in lust, and thus creates an internal

turmoil. God in His mercy and favor, has made lawful for them the ways to calm down their desire, i.e., He has ordained the institution of marriage to lighten their burdens and lessen their hardships, as He has said: *and lawful for you is (all) besides that.* This includes marriage and possession; in this way He has guided them to the ways of those who were before them. Then He has given them another concession by legalizing the *mutʿah* marriage, as it does not entail as much hardships as the permanent marriage does, that is, heavy dowry, regular maintenance, etc.

Someone has said: The lightening of burdens refers to the permission of marrying slave girls in times of need. But this explanation is not to the point. Arabs used to marry slave girls at times of need even in pre-Islamic days; this custom was prevalent among them, although they did not like it, and considered it degrading to themselves. What these verses have done is to erase that stigma and removes that dislike and aversion, by explaining that a slave girl is as much a human being as a free woman is, without there being any difference between them in any way. The status of slavery does not make a slave unworthy of social mingling and family ties.

Undeniably, the verses are clearly addressed to the believers of this *ummah.* Accordingly, the said lightening of burdens concerns this *ummah* only, and it means what we have described.

Now, the given reason that, "man is created weak", is not confined to this *ummah;* it is common to all humanity, be they of this *ummah* or of the previous ones; while the lightening of burdens was ordained for this *ummah* only. The verse, thus, gives a general cause but keeps silent about what restricts its effect. It is as though it was saying: We have lightened your burdens, because the weakness pervading the mankind was always demanding this lightening; but there were always some impediments there, which prevented it from taking effect—the impediments which hindered lightening of burdens and spreading of mercy in previous nations. Then came your turn and the divine mercy has now encompassed you and its effects are now appearing among you. Now the said cause has brought its effects into being and God has reduced your burdens—although the previous nations were not allowed this concession. This fact may be gleaned from the following two verses: *"Our Lord! do not lay on us a burden as Thou didst lay on those before us"* (2:286); *He has chosen you and has not laid upon you any hardship in religion* (22:78).

It appears from the above that this general cause also aims at showing that all the favors bestowed on humanity have appeared in their complete

form in this *ummah.*

Examining Narrations

(1) The Prophet said: "Verily, God has forbidden by reason of breast-feeding what He has forbidden by reason of blood-relationship."

(2) Also he has said: "Suckling is a relationship like blood-relationship."

(3) Mālik and ʿAbd al-Razzāq have narrated from ʿĀʾishah that she said: "Among what was revealed of the Qur'an was (the verse of) ten known sucklings; then it was abrogated by (the verse of) five known (sucklings); and the Messenger of God expired and those (verses) were a part of what was recited of the Qur'an." (*al-Durr al-Manthūr*)

Author's comments: al-Suyūtī has narrated in his above book other traditions from ʿĀʾishah, through other chains. But they are among the traditions which imply distortion and alteration of the Qur'an; such reports are totally rejected because of their inconsistency with the Qur'an.

(4) ʿAbd al-Razzāq, ʿAbd b. Hamīd, Ibn Jarīr, Ibn al-Mundhir and al- Bayhaqī (in his *al-Sunan*) have narrated through two chains from ʿAmr b. Shuʿayb, from his father, from his grandfather from the Prophet that he said: "When a man marries a woman, then it is not lawful to him to marry her mother, whether he has gone into that girl (his wife) or not; on the other hand, if he marries the mother and divorces her before going into her, then he may marry (her) daughter, if he so wishes." (*ibid.*)

Author's comments: This meaning is narrated through the Shīʿī chains from the Imams of Ahl al-bayt, and it is their known *madhhab,* and the same is inferred from the Qur'an, as was explained in the preceding Commentary. But the Sunnīs have narrated from ʿAlī that there was no harm in marrying the mother of the wife (if one divorces the latter) before establishing sexual relations with her; and that she was in this respect like the step-daughters; also that it was not unlawful for a man to marry his step-daughter if she was not under his guardianship. But such assertions are contrary to all that is narrated from them (Imāms,) through the Shīʿī chains.

(5) al-Kulaynī has narrated through his chains from Mansūr b. Hāzim that he said: "I was with Abū ʿAbdillāh when a man came and asked him about a man who had married a woman, but she died before he could establish sexual relations with her—'Can

he marry her mother?' Thereupon, Abū ʿAbdillāh said: 'A man of us had done so and had not considered it objectionable.' Then I said: 'May I be made your ransom! The Shīʿah do not boast except by the judgment of ʿAlī concerning this (problem) about *al-mashīkhah*[1], about which Ibn Masʿūd had given a rulling that there was no snag in it. Then he came to ʿAlī and asked him. ʿAlī said to him: "From where [that is, on what authority] will he take her?"[2] He said: "From the word of God, the Mighty, the Great: *and your step-daughters who are in your guardianship, (born) of your wives to whom you have gone in; but if you have not gone in to them, there is no blame on you (in marrying them)*." ʿAlī said: "This is conditional, while that (i.e., prohibition of the mother-in-law) is unconditional." ' Then Abū ʿAbdillāh said to the man [who had asked the question]: 'Do you not hear what this (man) narrates from ʿAlī?'. "Thereafter when I stood up, I felt remorse and said (to myself): 'What have I done? He [i.e., the Imām, a.s.] says: "A man of us had done so and had not considered it objectionable", and then I [contradict him and] say: " ʿAlī had given such ruling on this (matter)"'. So I met him afterwards and said: 'May I be made your ransom! Concerning that man's enquiry, it was a mistake on my part that I spoke as I did; so what do you say in this respect?' He said: 'O Shaykh! You inform me that ʿAlī had decided this matter and then you ask me what I say about it!' " (*al-Kāfī*)

Author's comments: The story of his judgment concerning the rulling of Ibn Masʿūd, as narrated in *al-Durr al-Manthūr* from *al-Sunan*, is as follows: A man from (the tribe of) Banū Shamakh married a woman, but before establishing sexual relations with her, he saw her mother and liked her. He asked Ibn Masʿūd about it; and he told him to leave (that is, divorce) the said wife and then marry her mother. He did so, and got children from her. Then Ibn Masʿūd came to Medina and was told that she was not lawful (for him). Therefore, on returning to Kūfah he informed

1 Probably the correct word is *al-Shamakhī* (one belonging to the tribe of al-Shamakh). Some Sunnī traditions say that he was a man from the tribe of al-Shamakh. Or, the correct text may be: 'about the woman from the tribe of al-Shamakh concerning whom Ibn Masʿūd had given a ruling.' [Auth.]

2 The text of *al-Wāfī* says: 'From where did he take it?' [Auth.]

the man that she was forbidden to him; and he separated from her.

But this story does not ascribe that judgment to ʿAlī. It rather says that he had asked the Companions of the Prophet about it. Another text says that he had asked ʿUmar about it. A third narration says that he was informed that his ruling was not correct and that the condition applied to the step-daughters only.

(6) [al-Shaykh narrates] through his chains from Ishāq b. ʿAmmār from Jaʿfar from his father that ʿAlī used to say: "The step-daughters are forbidden to you (who are born) of the mothers with whom you have cohabited, no matter whether they are in your guardianship or not; and (the wives') mothers are (forbidden) unconditionally, whether sexual intercourse was established or not. Therefore, treat as unlawful and unconditional what God has kept unconditional." (*al-Istibsār*)

Author's comments: Some Sunnī traditions ascribe to ʿAlī that prohibition of step-daughters was conditional on their being in one's guardianship. But this is rebutted by the traditions narrated from the Imāms of Ahl al-bayt, and as was explained earlier, the latter was in conformity with the connotation of the verse.

al-Mubhamāt (translated above as 'unconditionally',) is derived from *al-buhmah*, which implies a thing that has a single color, unmixed with another color. This adjective is used for those categories of prohibited women whose prohibition is general and unconditional, that is, mothers, daughters, sisters, paternal aunts, maternal aunts, brother's daughters and sisters's daughters, as well as foster relatives, mothers-in-law and daughters-in-law.

(7) Zurārah narrates from Abū Jaʿfar that he asked him about a man who has a slave girl with whom he has cohabited—"Is it lawful for him to marry her daughter?' The Imām said: 'No. She is as God has said: *and your step-daughters who are in your guardianship ...*' " (*ibid.*)

(8) Abū ʿAwn has reported that he heard Abū Sālih al-Hanafī saying: " ʿAlī said one day: 'Ask me (whatever you wish to ask).' Ibn al-Kawwāʾ said: 'Tell me about the daughter of the foster sister, and about two sisters in possession (of one master).' (The Imām,) said: 'Surely you are wondering; (better) ask about that which concerns you or may be useful to you.' Ibn al-Kawwāʾ said: 'We ask you only about what we do not know; as for that which we

know, we do not ask you about.' Then (the Imām,) said [*inter alia*]: 'As for the two slave sisters, one verse makes them lawful, while another prohibits them; and I neither allow them nor forbid them; but I do not do it nor does anyone of my household.' " (*al-Tafsīr,* al-ʿAyyāshī)

(9) It is narrated from Muʿammar b. Yahyā b. Sālim that he said: "We asked Abū Jaʿfar about what the people narrate from the Leader of the faithful concerning some things which he neither allowed nor prohibited except his own self and his children; and I said: 'How is it possible that he said, "One verse allows it and another forbids it"'. We said: 'First of all, either, one of them had abrogated the other, or both were decisive which should be followed.' (The Imām, a.s.) then said: 'He made the matter clear to them when he forbade himself and his children.' We said: 'What prevented him from explaining it [in clear words] to the people?' He said: 'He was afraid that his (orders) would not be obeyed; because if the Leader of the faithful could firmly establish his authority, he would have enforced the Book of God, all of it, and the truth, all of it!' " (*al-Tahdhīb*)

Author's comments: The tradition of ʿAlī, referred to, is the one narrated from him through the Sunnī chains. It is quoted in *al-Durr al-manthūr* from al-Bayhaqī and others that ʿAlī said about two sister slave girls: "One verse makes them lawful while another one prohibits them; and I neither allow (it) nor disallow (it); nor do I make them lawful or unlawful; and I do not do it, nor do the people of my household (do so)." The same book narrates from Qubaysah b. Dhuʾayb that someone asked ʿAlī about it and he said: "If I had any authority and had found anyone doing it, I would have made him a warning example (that is, would have given him exemplary punishment)."

(10) ʿAbdullāh b. Sinān said: "I heard Abū ʿAbdillāh saying: 'If a man has two [slave] sisters in his possession, and has sexual relations with one of them, and then wishes to have the same [relations] with the other, it is not allowed to him to do so, until the former goes out of his possession—either he gifts her (to someone) of sells her. Thus it will be sufficient if he gives her as a gift to his son.' " (*al-Tahdhīb*)

(11) Muḥammad b. Muslim said: "I asked Abū Jaʿfar about the word of God: *and all married women except those whom your right*

hands possess. He said: 'It is [like] this, that a man orders his slave (whom is married to his slave girl), and tells him, "Put aside your wife and do not go near her". Then he keeps her confined until she sees her blood; after that he touches her. There after when she again sees blood after his touching her, he returns her to him [i.e., to her slave husband] without [any need of a new] marriage.' " (*al-Kāfī; al-Tafsīr,* al-ʿAyyāshī)

(12) Ibn Muskān has narrated through Abū Basīr, from one of the two Imāms, about the word of God: *And all married women except those whom your right hands possess,* that he said: "They are the women having husbands except those whom your right hands possess. If you have given your slave girl in marriage to your slave boy, you may remove her from him if you so wish." "I said: 'Do you see, if he has given her in marriage to other than his own slave boy?' He said: '(Then) he has no right to remove (her from him) until she is sold away; then if he sells her, her affair is transferred to other than him (that is, to the buyer); then the buyer may separate (her from her husband) if he so desires, and may reconfirm (the marriage) if he so wishes." (*al-Tafsīr,* al-ʿAyyāshī)

(13) al-Suyūtī has narrated from Ahmad, Abū Dāwūd, al-Tirmidhī (who has said that the tradition is good) and Ibn Mājah, from Fīrūz al-Daylamī, that he entered into Islam and there were two sisters under him (i.e., he had gathered two sisters in marriage); so the Prophet said to him: "Give divorce to whomever you wish (to leave) of the two." (*al-Durr al-Manthūr*)

(14) Ibn ʿAbdi al-Barr has narrated in *al-Istidhkār,* from Ayās b. ʿĀmir that he said: "I asked ʿAlī b. Abī Tālib and said: 'I have two sisters among my slaves, with one of whom I have established sexual relations and she has borne children for me; then I am attracted to the other; now what should I do?' He said: 'You should emancipate the one you had cohabited with, then you (may) cohabit with the other.' Then he said: 'Surely, all the categories of free women forbidden to you in the Book of God, are also forbidden to you from among those whom your right hands possess, except the number (or he said, 'except the limit of four') and all the categories forbidden to you in the Book of God through kinship, are also forbidden to you through breast-feeding.' " (*ibid.*)

Author's comments: al-Suyūtī has narrated it from ʿAlī through other

chains too.

(15) Abū Hurayrah said: "The Messenger of God said: 'A woman and her paternal aunt are not gathered together, nor are a woman and her maternal aunt.' " (*al-Sahīh,* al-Bukhārī, Muslim)

Author's comments: This theme is found also in some Sunnī traditions narrated through other chains; but the traditions of the Imāms of Ahl al-bayt refute it, and the Qur'an supports them.

(16) al-Ṭayālisī, ʿAbd al-Razzāq, al-Fariyābī, Ibn Abī Shaybah, Ahmad, ʿAbd b. Hamīd, Muslim, Abū Dāwūd, al-Tirmidhī and al-Nasāʾī; as well as Abū Yaʿlā, Ibn Jarīr, Ibnl al-Mundhir, Ibn Abī Hātim, al-Tahāwī, Ibn Hibbān and al-Bayhaqī (in his *al-Sunan*) have narrated from Abū Saʿīd al-Khudrī that he said: "Verily, the Messenger of God sent an army, on the day of Hunayn, to Awtās. They met the enemy and defeated them. after a fight and took captives. Some companions of the Messenger of God refrained from cohabiting with them, because they had their polytheist husbands. Then God revealed: *And all married women except those whom your right hands possess,* that is, except those whom God has given to you as booty. So we treated them as lawful to us on that authority." (*al-Durr al-Manthūr*)

Author's comments: The same book narrates it through al-Ṭabarānī from Ibn ʿAbbās.

(17) ʿAbd b. Hamīd has narrated from ʿIkrimah: "This verse in the chapter of 'The Women', that is: *And all married women except those whom your right hands possess,* was revealed about a woman, called Maʿādhah, who was married to an old man of Banū Sadūs, named Shujāʿ b. al-Hārith. There was his other wife with her, who had borne to him children, [now grown-up] men. Shujāʿ went to Hajar to get provisions for his family. In the meantime, a cousin of Maʿādhah passed from there, and she said to him: 'Take me away to my people, because there is no good with this old man.' So he carried her away with him. (Their departure almost) coincided with the old man's arrival. He went to the Messenger of God and said: 'O Messenger of God, and the most excellent of the Arabs! I had gone out in [the month of] Rajab to get provisions for her; and she fled away; and she is the worst dominator for anyone who is dominated; she saw a boy sitting on the hump; there is a desire in her and in him.' The Messenger of God said: 'Bring (them) to

me! Bring (them) to me! If the man has opened her cloth (that is, committed adultery with her), then stone her; otherwise, return to the old man his wife.' So Mālik, son of Shujāʿ from the other wife, went out in pursuit and brought her back and she came down to her house." (*ibid.*)

Author's comments: It has repeatedly been mentioned that such stories purporting to describe the occasion when a verse was revealed—and especially those dealing with some parts or clauses of a verse—are merely the attempts of the narrators to fit some events to some verses or sentences; they do not give the real reasons of revelation.

(18) al-Sādiq was asked about the word of God, *And all al-muhsanāt women:* He said: "It means those who are married." Then he was asked about the words, *and al-muhsanāt from among those who have been given the Book before you* [5:5]; he said: "The chaste women." (*Man lā yahduruh al-faqīh*)

Author's comments: al-ʿAyyāshī too has narrated it from the same Imām.

(19) al-Ṭabrisī has explained the words, *And whoever among you has not within his power ampleness of means,* as "whoever among you does not have riches"; and according to him it is narrated from Abū Jaʿfar. (*Majmaʿ al-Bayān*)

(20) al-Sādiq said: "Today a free man should not marry a slave girl. It was (allowed) as God has said, *And whoever among you has not within his power ampleness of means;* and ampleness of means refers to dowry, but today the dowry of a free woman is (just like) the dowry of a slave girl or even less." (*al-Kāfī*)

Author's comments: Wealth and riches is one connotation of 'ampleness of means', as was explained earlier. The tradition does not show more than undesirability of such marriages.

(21) Abu al-ʿAbbās al-Baqbāq has said: "I said to Abū ʿAbdillāh: 'Can a man marry a slave girl without the permission of her people?' He said: 'It is fornication. Surely God says: so *marry them with the permission of their people.*' " (*al-Tahdhīb*)

(22) Ahmad b. Muḥammad b. Nasr says: "I asked al-Ridā: 'Can *mutʿah* be done with a slave girl with the permission of her people?' He said: 'Yes. Surely God, the Mighty, the Great, says: *so marry them with the permission of their people.*' " (ibid.)

(23) Muḥammad b. Muslim says narrating from one of the two Imāms:

"I asked him about the word of God regarding the slave girls, *and when they are taken in marriage*—'What was the connotation of *al-ihsān* here?' He said: 'Consummation of marriage.' I said: 'Then if the marriage is not consummated, there is no [fixed] punishment prescribed for them?' He said: 'Certainly.' " (*al-Tafsīr,* al-ʿAyyāshī)

(24) Harīz said: "I asked him about *al-muhsi*n (who has that which suffices him.' " (*ibid.*)). He said: 'He Muḥammad b. Qays narrates from Abū Jaʿfar that he said: "The Leader of the faithful used to sentence slave men and women, if any of them committed fornication, to be flogged fifty stripes—whether he/she be a Muslim or unbeliever or Christian; and he/she was not to be stoned or banished." (*al-Kāfī*)

(25) Abū Bakr al-Hadramī narrates that Abū ʿAbdillāh said about a slave who defamed a free man [of fornication]: "He shall be flogged eighty stripes; it is among the rights of the people; as concerning that which is among the rights of God, the Mighty, the Great, he shall be given half of the prescribed punishment." "I said: 'What are the things among the rights of God, the Mighty, the Great?" He said: 'When he fornicates or drinks liquor; it is among those rights for which he shall be given half of the punishment.' " (*ibid.*)

(26) Barīd al-ʿIjlī narrates from Abū Jaʿfar that he said about a slave girl who commits fornication: "She shall be given half the prescribed punishment, no matter whether she has a husband or not." (*al Tahdhīb*)

(27) Ibn Jarīr has narrated from Ibn ʿAbbās that he said: *"al-Musāfihāt* refers to those who commit fornication openly; and *muttakhidhāt akhdān*, to those who have only one paramour." Also he said: "The people of the (era of) ignorance considered fornication unlawful if it was done openly; but what remained concealed was treated as lawful. They used to say: 'What becomes known is ignoble, but there is no blame in that which remains secret.' Then God revealed: *and do not draw near to indecencies, those of them which are apparent, and those which are concealed.*" [6:151], (*al-Durr al-Manthūr*)

Author's comments: There are numerous traditions on the themes described above; but we have quoted only a few of them as samples.

A Review of Traditions About *Mutʿah* Marriage

(28) Abū Basīr says: "I asked Abū Jaʿfar about the *mutʿah.* He said: 'It has been revealed in the Qur'an: *Then as to such of them with whom you have mutʿah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed.*' " (*al-Kāfī*)

(29) Ibn Abī ʿUmayr narrates through his narrator from Abū ʿAbdillāh that he said: "It was revealed (as follows): *Then as to such of them with whom you have mutʿah*—for a fixed period—*give them their dowries as appointed.*" (*ibid.*)

Author's comments: This recital has been narrated by al-ʿAyyāshī from Abū Jaʿfar; also the Sunnis have narrated it by various chains from Ubayy b. Kaʿb and ʿAbdullāh b. ʿAbbās, as will be described below. Probably, such traditions aim at describing the intended meaning of the verse, rather than asserting that the actual revelation contained these words.

(30) Zurārah said: " ʿAbdullāh b. ʿUmayr al-Laythī came to Abū Jaʿfar and asked: 'What do you say about *mutʿah* with women?' He replied: 'God has made it lawful in His Book and on the tongue of His Prophet; therefore, it is lawful up to the Day of Resurrection.' He said: 'O Abū Jaʿfar! (a person) like you says this while ʿUmar had prohibited and made it unlawful?' He said: 'Even if he did so.' Then (al-Laythī) said: 'I seek God's protection for you that you should consider a thing lawful which ʿUmar had made unlawful.' "

(31) Zurārah says: "Then the Imām said to him: 'Well, you adhere to the word of your companion, while I am on the word of the Messenger of God. Well, come on, let me utter imprecations against you that the (right) word is that which the Messenger of God had said, and that false is that which your companion had uttered.' Thereupon ʿAbdullāh b. ʿUmayr turned to him and said: 'Would you like it if your women, and your daughters, and your sisters, and your cousins did it?' " Zurārah says: " 'Then Abū Jaʿfar turned away from him when he mentioned his women and cousins." (*ibid.*)

(32) Abū Maryam narrates that Abū ʿAbdillāh said: "As for the *mutʿah,* the Qur'an was revealed for it (that is, the Qur'an allowed it), and the tradition of the Messenger of God put it in force." (*ibid.*)

(33) ʿAbdu al-Rahmān b. Abī ʿAbdillāh said: "I heard Abū Hanīfah

asking Abū ʿAbdillāh about *mutʿah.* (The Imām,) said: 'About which *mutʿah* you are asking?' He said: 'I have already asked you about the *mutʿah* of *hajj* [that is, *hajj al-tamattuʿ*]; now tell me about the *mutʿah* of women, is it right?' Then (the Imām, a.s.) said: 'God be praised! Have you not read the Book of God: *Then as to such of them with whom you have mutʿah, give them their dowries as appointed?*' He said: "By God! (It seemed as if) it was a verse I had never read.' " (*ibid.*)

(34) Muḥammad b. Muslim narrates from Abū Jaʿfar that he said: "Jābir b. ʿAbdillāh has narrated from the Messenger of God that they [i.e., the Muslims] went on an expedition with him [the Holy Prophet], and he made *mutʿah* lawful for them and (then) did not prohibit it; and ʿAlī used to say: 'Had not the son of Khattāb (that is, ʿUmar) gone ahead of me in this matter [i.e., had he not forbidden it before I came to power], none would have committed fornication except a scoundrel'[1]; and Ibn ʿAbbās used to say: *'Then as to such of them with whom you have mutʿah*—for a fixed period—*give them their dowries as appointed;* and these people deny it, while the Messenger of God had allowed it and not forbidden it.' " (*al-Tafsīr,* al-ʿAyyāshī)

(35) Abū Basīr narrates from Abū Jaʿfar that he said about *mutʿah:* "The verse was revealed; *then as to such of them with whom you have mutʿah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed.*" Then he said: "There is no blame if you increase her (dowry) and she increases your (period), when the period (fixed) between you two expires. You may say, with her consent, 'I make you lawful for me for another (fixed) period.' But she is not lawful for other than you until her waiting period expires; and her waiting period is two monthly courses." (*ibid.*)

(36) al-Shaybānī narrates from Abū Jaʿfar and Abū ʿAbdillāh that they said regarding the verse, *and there is no blame on you about what you mutually agree after what is appointed:* "It means that he increases her dowry or she increases his (fixed) period."

Author's comments: There are *mutawātir* or nearly *mutawātir* traditions narrated from the Imāms of Ahl al-bayt on the above themes; but we

1 Another version says: 'except the most scoundrel.' [Auth.]

have quoted only a few of them. Anyone wanting to study the lot, should refer to the collections of traditions.

Traditions on the Recitation: "For a Fixed Period"

(1) Ibn Abī Hātim has narrated from Ibn ᶜAbbās, that he said: "The *mutᶜah* of women was in the beginning of Islam. A man used to arrive at a town; there was none with him to mend his things or to look after his property. Therefore, he married a woman for as long as he thought his work (there) would last; and she looked after his property and mended his things." And he [Ibn ᶜAbbās] used to recite: "*Then as to such of them with whom you have mutᶜah—for a fixed period.*" "It was abrogated by the words: *with chastity, not committing fornication.*[1] And marriage-tie was in the hand of man, he kept (her) as long as he wished, and let (her) go when he wished." (*al-Durr al-Manthūr*)

(2) al-Hākim narrates through his chains from Abū Nadrah, that he said: "I recited before Ibn ᶜAbbās, Then *as to such of them with whom you have mutᶜah*, *give them their dowries as appointed;* Ibn ᶜAbbās said: 'Then as to such of them with whom you have mutᶜah—for a fixed period.' I said: "We do not read it like that.' Ibn ᶜAbbās said: 'By God! God had revealed it like that.' " (*al-Mustadrak*)

Author's comments: This tradition has also been narrated in *al-Durr al-Manthūr* from al-Hākim, ᶜAbd b. Hamīd, Ibn Jarīr and Ibn al-Anbārī (in *al-Masāhif*).

(3) ᶜAbd b. Hamīd and Ibn Jarīr have narrated from Qatādah that he said: " ᶜUbayy b. Kaᶜb used to recite: *Then as to such of them with whom you have mutᶜah*—for a fixed period." (*al-Durr al-Manthūr*)

(4) Muḥammad b. Kaᶜb narrates from Ibn ᶜAbbās that he said: "The *mutᶜah* was in the beginning of Islam. A man used to arrive at a town which he did not know. So, he married a woman for as long as he thought he would stay there; so she looked after his property and mended his things. (It continued) until the verse was revealed: ... *except before their mates or those whom their right hands possess*" [23:6]; Ibn ᶜAbbās said: "Now every woman except these two (categories) is unlawful.' " (*al- Sahīh*, al-Tirmidhī)

---

1 How can a preceding phrase of the same verse abrogate the clause of *mutᶜah* which comes after it? [Trans.]

Author's comments: It implies that the *mutʿah* was abrogated in Mecca [before *hijrah*], because the purportedly abrogating verse is of Meccan period!

(5) ʿAbdullāh b. Abī Malīkah says: "I asked ʿĀ'ishah about the *mutʿah* of women. She said: 'The Book of God is between me and you.' Then she recited: *And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable,* [23:5–6]; but whoever seeks to go beyond what God has given in his marriage or in his possession, he surely exceeds the limit."[1]

Some Traditions showing that the *Mutʿah* was abrogated by the Qur'an

(1) Abū Dāwūd (in his *al-Nāsikh*), Ibn al-Mundhir and al-Nahhās have narrated from Ibn ʿAbbās that the verses, *Then as to such of them with whom you have mutʿah, give them their dowries as appointed,* was abrogated by the verses, *O Prophet! when you divorce them for their prescribed time* [65:1]; *And the divorced women should keep themselves in waiting for three monthly courses* [2:228]; *And (as for) those of your women who have despaired of menstruation, if you have a doubt, their prescribed time shall be three months* [65:4]. (*al-Durr al-Manthūr*)

(2) Abū Dāwūd (in his *al-Nāsikh*), Ibn al-Mundhir, al-Nahhās and al-Bayhaqī have narrated from Saʿīd b. al-Musayyab that he said: "The verse of inheritance has abrogated the *mutʿah.*" (*ibid.*)

(3) ʿAbd al-Razzāq and Ibn al-Mundhir have narrated from ʿAlī, that he said: "Ramadān abrogated every (other) fast; and *al-Zakāt* abrogated every (other) alms; and *mutʿah* was abrogated by divorce, waiting period and inheritance; and the sacrifice (of *hajj*) abrogated every (other) slaughter." (*ibid.*)

Some Traditions showing that the *Mutʿah* was abrogated

1 As the author has commented above, such claim would antedate the supposed prohibition of *mutʿah* prior to *hijrah,* which even the Sunnīs do not claim. Moreover, as I have noted earlier, the whole argument for or against *mutʿah* is meant to establish whether a women of *mutʿah* is a lawful wife or not. Now to assume that the word, 'mates', used in this verse excludes the *mutʿah* wife is begging the question. [Trans.]

by the Sunnah

(1) ʿAbd al-Razzāq, Ahmad and Muslim have narrated from Sabrah al-Juhanī that he said: "The Messenger of God allowed us, in the year of the Conquest of Mecca, to marry women in *mutʿah*. So I went out with a man of my tribe; I was his better in beauty while he was almost ugly. Each of us had a garment; my garment was worn and shabby, while my cousin's was brand new and fresh. When we reached upper region of Mecca, a girl came before us—like a beautiful young she-camel. We said (to her): 'Do you agree that one of us should marry you in *mutʿah*?' She said: 'And what will you pay?' So each of us spread his garment. She kept looking at two of us. When my companion saw her (hesitation), he said: 'Surely, his garment is old and worn; and my garment is new and fresh.' She kept replying: 'Even his garment is not bad.' So, I did *mutʿah* with her. We had not even departed from Mecca when the Messenger of God prohibited it." (*ibid.*)

(2) Mālik, ʿAbd al-Razzāq, Ibn Abī Shaybah, al-Bukhārī, Muslim, al-Tirmidhī, al-Nasāʾī and Ibn Mājah have narrated from ʿAlī b. Abī Tālib: "Verily, the Messenger of God forbade the *mutʿah* of women on the day of Khaybar; and (the same day, prohibited) eating the flesh of domesticated donkeys." (ibid.)

(3) Ibn Abī Shaybah, Ahmad and Muslim have narrated from Salamah b. al-Akwaʿ that he said: "The Messenger of God allowed us to do *mutʿah* with women, in the year of Awtās for three days, then he forbade it." (*ibid.*)

(4) Ibn al-ʿArabī writes in his *Commentary of* Sahīh al-Tirmidhī: "Ismāʿīl narrates from his father, from al-Zuhrī, that Sabrah said that the Prophet prohibited it in the Last Pilgrimage. It has been narrated by Abū Dāwūd, ... and it has been narrated by ʿAbdu al-ʿAzīz b. ʿUmar b. ʿAbdi al-ʿAzīz from al-Rabīʿ b. Sabrah from his father, in which he says that it was in the Last Pilgrimage, after it was allowed, and that it was [marriage] for a fixed period; and al-Hasan has said that it was (forbidden) in the *ʿUmrah* of *al-Qadāʾ*."

(5) The same book narrates from al-Zuhrī that the Prophet forbade *mutʿah* in the expedition of Tabūk.

Author's comments: As you see, the traditions contradict each other in identifying the time when the Prophet prohibited the *mutʿah*. Some say

it was prior to *hijrah*; others, that it was after *hijrah.* A group says it was abrogated by the verses of marriage, divorce, waiting period and inheritance, while others claim that it was prohibited by the Prophet in the battle of Khaybar [Rajab, 7 AH], or at the *ʿUmrah* of *al- Qadāʾ* [end of 7 AH], or in the year of Awtās or the Conquest of Mecca [8 AH], or the year of Tabūk [9 AH], or after the Last Pilgrimage [end of 10 AH]. That is why the Sunnī scholars say that it was prohibited several times, and each of the above traditions describes one or the other of the occasions. But some of the narrators, like ʿAlī, Jābir and Ibn Masʿūd, were too great to remain unaware of the Prophet's orders—especially when we remember that they were constantly with him and knew every big and small matter of his life.[1]

(6) al-Bayhaqī narrates from ʿAlī that he said: "The Messenger of God forbade *mutʿah.* It was only for him who did not get [means for permanent marriage]; but when (verses of) marriage, divorce, waiting period and mutual inheritance (rights) of husband and wife were revealed, it was abrogated." (*al-Durr al-Manthūr*)

(7) al-Nahhās has narrated that ʿAlī b. Abī Tālib said to Ibn ʿAbbās: "Surely, you are a straying man; verily, the Messenger of God had forbidden *mutʿah.*" (*ibid.*)

(8) al-Bayhaqī narrates from Abū Dharr that he said: "The *mutʿah* was allowed for the companions of the Messenger of God only for three days; then the Messenger of God forbade it." (*ibid.*)

(9) Abū Jamrah says that Ibn ʿAbbās was asked about *mutʿah,* and he allowed it. Thereupon a slave of his said to him: "Surely it was (allowed) when the number of women was small and the condition was hard." Ibn ʿAbbās said: "Yes." (*al-Sahīh,* al-Bukhārī)

(10) al-Bayhaqī has narrated that ʿUmar delivered a lecture in which he said: "How is it that some men marry (in) this *mutʿah* form, and the Messenger of God had forbidden it? None will be brought before me who had married (in) this (form) but I shall stone him."

---

1 Other scholars say that it was allowed and disallowed repeatedly. Muslim has given the following heading to the chapter of "Mutʿah" in his al-Sahīh: "Chapter of the *mutʿah* marriage, and that it was allowed, then abrogated, then again allowed, and then abrogated ..." al-Shāfiʿī says: "I do not know anything in Islam that was allowed, then prohibited, then allowed and then prohibited." Some have said that it was allowed and abrogated three times; others have said, more than three times. Vide *Tafsīr Mazharī*, by Qādī Thanāʾullāh Pānīpatī, p. 72. [Trans.]

(*al-Durr al-manthūr*)

(11) Ibn Abī Shaybah, Ahmad and Muslim have narrated from Sabrah that he said: "I saw the Messenger of God standing between the Rukn and the door [of the Kaʿbah], and he was saying: 'O people! I had allowed you to marry in *mutʿah* form; well, God has prohibited it up to the Day of Resurrection. Now, if anyone has got any (woman) from them, he should let her go, but do not take back anything from what you have given them.' "(*ibid.*)

(12) Ibn Abī Shaybah narrates from al-Hasan that he said: "By God! *Mutʿah* was not but only three days, the Messenger of God had permitted them in that (period); it was not before that, nor after that." (*ibid.*)

Some Traditions of some Companions and their Disciples about Lawfulness of the *Mutʿah*

(1) Mujāhid has said about (the verse), *Then as to such of them with whom you have mutʿah*: "It is the *mutʿah* marriage." (*al-Tafsīr,* al-Ṭabarī)

(2) al-Suddī said about this verse: "It is *mutʿah*; a man marries a woman on the condition of a fixed period; and when the term expires, he has no authority on her and she is free of him; but she is obliged [to observe the waiting period] to be sure of what is in her womb; and there is no inheritance between them, neither will inherit the other." (*ibid.*)

(3) It is narrated in *al-Sahīh*, al-Bukhārī and *al-Sahīh*, Muslim, and reported in *al-Durr al-Manthūr* from ʿAbd al-Razzāq and Ibn Abī Shaybah, from Ibn Masʿūd that he said: "We used to go on expeditions with the Messenger of God, and our women were not with us. So we said: 'Should not we castrate ourselves?' But (the Prophet) forbade us to do so; and allowed us to marry a woman on (dowry of) a garment for a (fixed) period." Then ʿAbdullāh recited: *O you who believe! do not forbid (yourselves) the good things which Allah has made lawful for you* [5:87].

(4) Ibn Abī Shaybah narrates from Nāfiʿ that Ibn ʿUmar was asked about *mutʿah,* and he said that it was unlawful. It was said to him: "Verily, Ibn ʿAbbās declares it as lawful." He said: "Why did not he open his mouth in the reign of ʿUmar?" (*al-Durr al-Manthūr*)

(5) Ibn al-Mundhir, al-Ṭabarānī and al-Bayhaqī have narrated from

Saʿīd b. Jubayr that he said: "I said to Ibn ʿAbbās: 'What have you done? Travellers have carried your ruling (far and wide), and poets have composed poems about it.' He said: 'And what have they said?' I said: 'They have said: "I say to the old man, as he has stayed a long time, O my companion! Are you interested in the ruling of Ibn ʿAbbās? Would you like to have a chubby unmarried girl? Who would be your resting place, until the people depart [from here]." ' (Ibn ʿAbbās) said: 'Surely, we are God's, and to Him we shall surely return. No, By God! I have not given this ruling, nor is this which I have meant. I have not allowed it but to one who is hard-pressed; and I have not allowed of it except what God has allowed of dead body, blood and flesh of swine.' " (*ibid.*)

(6) Ibn al-Mundhir narrates from ʿAmmār (slave of al-Sharīd) that he said: "I asked Ibn ʿAbbās regarding the *mutʿah,* whether it is marriage or fornication. He said: 'Neither marriage nor fornication.' I said: 'Then what is it?' He said: 'It is *mutʿah,* as God has said.' I said: 'Does it have a waiting period?' He said: 'Its waiting period is one monthly course.' I said: 'Do they inherit each other?' He said: 'No.' " (*ibid.*)

(7) ʿAbd al-Razzāq and Ibn al-Mundhir have narrated through ʿAtā' from Ibn ʿAbbās that he said: "May God have mercy on ʿUmar. *Mutʿah* was but a mercy from God, which He had bestowed on the *ummah* of Muḥammad. If he (ʿUmar) had not forbidden it, none but the most wicked would have needed fornication." Also he said: "It is that which is in the chapter of 'The Women': Then as to such of them with whom you have *mutʿah* to such and such a period on such and such a dowry." Again he said: "There is no inheritance between them. If they decide to agree after the term [to extend it], then, yes; and if they separate, then, yes; and there is no [permanent] marriage between them." ʿAtā' said that he heard from Ibn ʿAbbās that in his opinion it was lawful (even) now. (*ibid.*)

(8) It is narrated in *al-Tafsīr,* al-Ṭabarī and also in *al-Durr al-Manthūr* from ʿAbd al-Razzāq and Abū Dāwūd (in his *al-Nāsikh*) from al-Hakam that he was asked about this verse [of *mutʿah*] whether it was abrogated. He said: "No." Also ʿAlī has said: "If ʿUmar had not forbidden *mutʿah*, none but a scoundrel would have committed fornication."

Some Traditions showing that it was ʿUmar who had forbidden the *Mutʿah*

(1) Jābir b. ʿAbdillāh said: "We used to do *mutʿah* on a handful of date and flour, for fixed days, in the time of the Messenger of God and Abū Bakr—until ʿUmar disallowed it in the affair of ʿAmr b. Hurayth." (*al-Sahīh,* Muslim)

Author's comments: This tradition has also been quoted in *Jāmiʿ al-usūl* (of Ibn al-Athīr), *Zād al-maʿād* (of Ibn al-Qayyim), *Fath al-bārī* (of Ibn Hajar) and *Kanz al-ʿummāl.*

(2) Mālik and ʿAbd al-Razzāq have narrated from ʿUrwah b. al-Zubayr that Khawlah bint Hakīm came to ʿUmar b. al-Khattāb and said: "Rabīʿah b. Umayyah had done *mutʿah* with a woman of not pure Arab blood, and she had become pregnant from him." [Hearing this] ʿUmar b. al-Khattāb came out, trailing his robe in dismay, and said: "This is *mutʿah*! Had I gone ahead about it [that is, Had I forbidden it before], I would have stoned (the person concerned)." (*al-Durr al-Manthūr*)

Author's comments: It has also been reported from al-Shāfiʿī (in his *Kitāb al-umm*) and from al-Bayhaqī (in his *al-Sunan*).

(3) Sulaymān b. Yasār narrates from Umm ʿAbdillāh, daughter of Abū Khaythamah, that a man came from Syria and stayed with her. Then he said: "Verily, bachelorhood has become hard for me to bear; therefore, find for me a woman with whom I should do *mutʿah.*" She says: "So, I led him to a woman and he made conditions with her, and got men of probity as witnesses for it. He remained with her as long as God wished him to; and then he went away. Then ʿUmar was informed of it. He called for me and asked: 'Is it correct what I have been told?' I said: 'Yes.' He said: 'If he comes (back), let me know.' When he came back, I informed ʿUmar; and he called for him and asked: 'What made you to do what you did?' He said: 'I did so in the days of the Messenger of God and he did not forbid us to do so until God took him (to Himself); then (we did it) in the days of Abū Bakr, and he too did not forbid us to do so, until God took him away; then (we did so) during your days and you did not issue to us any prohibition against it.' Then ʿUmar said: 'Well, by Him in Whose hand my soul is, if I had gone ahead with its prohibition, I would have stoned

you; announce it, in order that marriage might be distinguished from fornication.' " (*Kanz al-ʿummāl)*

(4) ʿAtāʾ has said: "Jābir b. ʿAbdillāh came for *ʿumrah*; so we went to him at his staying place, and people asked him regarding various things, then they mentioned *mutʿah.* He said: 'We did *mutʿah* in the time of the Messenger of God and Abū Bakr and ʿUmar.' " Ahmad's narration adds: "until it was the last period of ʿUmar's caliphate." (*al-Sahīh,* Muslim; *Musnad,* Ahmad)

(5) Nāfiʿ reports that ʿAbdullāh b. ʿUmar was asked about *mutʿah* and he said: "(It is) forbidden. Why, look, if ʿUmar b. al-Khattāb had caught anyone doing it, he would have stoned him." (*al-Sunan,* al-Bayhaqī)

(6) Ibn al-Jawzī says: " ʿUmar (r.a.) used to say: 'By God! Nobody will be brought before me, (accused of) practising *mutʿah,* but I shall stone him." (*Mirʿāt al-zamān*)

(7) Ibn Rushd narrates from Jābir b. ʿAbdillāh that he said: "We did *mutʿah* in the days of the Messenger of God, and Abū Bakr, and during half the reign of ʿUmar; then ʿUmar forbade people to do so." (*Bidāyat al-mujtahid*)

(8) Ibn al-Kalbī has said: "Verily, Salamah b. Umayyah b. Khalaf al-Jumahī did *mutʿah* with Salmā, slave girl of Hākim b. Umayyah b. al-Awqas al-Aslamī, and she bore from him a child, but he denied (paternity of) her child. This news reached ʿUmar; therefore he forbade *mutʿah.*" (*al-Isābah*)

(9) Ayyūb says: " ʿUrwah said to Ibn ʿAbbās: 'Do you not fear God, that you allow *mutʿah*?' Ibn ʿAbbās said: 'Ask your mother, O ʿUrwah!' Then ʿUrwah said: 'But Abū Bakr and ʿUmar did not do it!' Thereupon, Ibn ʿAbbās said: 'By God! I do not think you will stop (in your arrogance) until God chastises you. We talk to you from the Prophet, and you talk to us from Abū Bakr and ʿUmar.' " (*Zād al-maʿād)*

Author's comments: The mother of ʿUrwah [mentioned in the above tradition] was Asmāʾ, daughter of Abū Bakr, who was married in *mutʿah* form by al-Zubayr b. al-ʿAwwām, from whom she bore ʿAbdullāh b. al-Zubayr and ʿUrwah.

(10) al-Rāghib writes: " ʿAbdullāh b. al-Zubayr reproached ʿAbdullāh b. ʿAbbās because the latter considered *mutʿah* as lawful. ʿAbdullāh b. ʿAbbās told him: 'Ask your mother how the censers glowed

between her and your father?' So he asked her and she replied: 'I did not give birth to you but in *mutʿah*' "(*al-Muhādarāt*)

(11) Muslim al-Quriyy says: "I asked Ibn ʿAbbās about *mutʿah;* and he allowed it; but Ibn al-Zubayr used to reject it. So (Ibn ʿAbbās) said: 'This is the mother of Ibn al-Zubayr, who narrates that the Messenger of God had allowed it; so go to her and ask her.' " Muslim says: "So we went to her and, lo! she was a stout blind woman. She said: 'The Messenger of God has allowed it.' " (*al-Sahīh*, Muslim)

Author's comments: The context shows that the question was about the *mutʿah* of women; and other traditions too give the same meaning.

(12) Abū Nadrah said: "I was with Jābir b. ʿAbdillāh when someone came to him and said: 'Ibn ʿAbbās and Ibn al-Zubayr have differed about the two *mutʿahs* [that is, *mutʿat al-hajj* and *mutʿah* of women].' Jābir said: 'We did both with the Messenger of God, then ʿUmar forbade us both, but we did not deviate from them.' " (*al-Sahīh*, Muslim)

Author's comments: Reportedly al-Bayhaqī too has narrated it in his *al-Sunan*; and the same theme has been narrated in *al-Sahīh* of Muslim, in three places with different wordings, one of which reports Jābir as saying: "But when ʿUmar stood up [that is, came to power], he said: 'Surely God used to allow for His Messenger whatever He wished in any way He wished. Therefore, you complete the *hajj* and the *ʿumrah,* as God has ordered, and stop marrying these women. No man shall be brought to me who would have married a woman for a [fixed] period but I shall stone him.'

(13) Also this theme has been narrated by al-Bayhaqī in his *al-Sunan* and al-Jassās in his *Ahkam al-Qur'an;* also it is reported in *Kanz al-ʿummāl* and *al-Durr al-Manthūr,* as well as in *al-Tafsīr* of ar-Rāzī and *Musnad* of al-Ṭayālisī.

(14) al-Qurtubī has narrated, in his *al-Tafsīr,* from ʿUmar that he said in his lecture: "Two *mutʿahs* were [practised] in the time of the Messenger of God; but I forbid them and shall inflict punishment on them; the *mutʿah* of *hajj* and the *mutʿah* of women."

Author's comments: This lecture of his is among the things unanimously accepted by all narrators; and they have reported it as an undisputed fact. Vide, for example, *al-Tafsīr* of al-Rāzī, *al-Bayān wa al-tabʿīn, Zād al-maʿād, Ahkām al-Qur'an,* [*al-Tārīkh* of] al-Ṭabarī and of Ibn

ʿAsākir among other references.

(15) al-Ṭabarī has narrated from ʿUmar that he said: "There were three things in the time of the Messenger of God; but I am forbidding them; and shall give punishment on them: *mutʿah* of *hajj,* and *mutʿah* of women, and *hayya ʿalā khayr al-ʿamal* in the *adhān* (call for prayer)." (*al-Mustabīn*)

(16) ʿImrān b. Sawādah says: "I prayed dawn (prayer) with ʿUmar; he recited (the chapter of) *Subhān* and another one with it; then he returned and I stood with him. He said: '(Do you have) any work (with me)?' I said: '(Yes,) there is (some) work.' He said: 'Then join (me).' I joined him. When he entered (his house), he gave permission to me. I found him on a bare bed-stead which had nothing on it. I said: '(I have come with) a sincere advice.' He said: 'Welcome to the adviser, day and night.' I said: 'Your people blame (you) for four things.' (Hearing this) he put the handle of his whip under his chin and its tip on his thigh, and said: 'Let me hear it.' I said: 'They say that you have prohibited *ʿumrah* during the months of *hajj,* while neither the Messenger of God nor Abū Bakr had done so, and it is lawful (in sharīʿah).' He said: 'Is it lawful? If they do *ʿumrah* during the months of *hajj,* they will think it suffices them from *hajj;* and will go out at once like a chick from it shell; and the *hajj* (days) will be empty (of people), while it is a splendor from God's splendors; and I have done right.' "I said: 'Also they say that you have prohibited the *mutʿah* of women, while it was a permission from God. We used to do *mutʿah* on a handful [of date, etc.] and separate after three (days).' He said: 'Surely, the Messenger of God had allowed it at a time when there was need (of it), then the people did get affluence; thereafter, I do not know any Muslim who did it or resorted to it. Now let anyone who so wishes marry [permanently] on a handful [of date] and separate the third day by divorce; and I have done right.' "Then I said: 'You have granted freedom to a slave girl if she delivers a child, even without being emancipated by her master.' He said: 'I have joined honor with honor; and I did not mean but good; and I ask pardon of God.' "I said: 'And they complain against your reviling the public and your harsh demeanor.' (Hearing this,) he drew the whip and wiped it until he came to its end, then said: 'I am a travelling-companion of

Muḥammad and was his travelling-companion in the expedition of Qarqarat al-Kidr. By God! I put (animals) to pasture until I satiate, and I give (them) drink until I quench their thirst; I hit the unruly camel and restrain the untamed one; and I defend my cooking-pot and drive my steps; and gather obdurate ones, and join slow ones; and I often admonish but seldom strike; and make a show of whip but repulse by hand. (Even) if it had not been so, I would have had an excuse.' "

(17) (ʿImrān) said: "This narrative reached Muʿāwiyah, and he said: 'He was, by God, knowledgeable of his subjects.' " (*al-Tārīkh,* al-Ṭabarī)

Author's comments: Ibn Abi al-Hadīd has narrated it in his *Sharh Nahj al-balāghah* from Ibn Qutaybah.

These are some of the traditions regarding the topic of *mutʿah* of women.

A discerning scholar, looking at them, cannot fail to see:

a) The contradictions and irreconcilability so glaringly found in them. The scholar cannot reach at any conclusion from them except that it was ʿUmar b. al-Khattāb who, during his reign, forbade and prohibited it because of his personal opinion, which he formed after hearing the stories of ʿAmr b. Hurayth and Rabīʿah b. Umayyah b. Khalaf al-Jumahī. As for the claim of its abrogation by the Qur'an or tradition, you have already seen that it has no leg to stand on. It is quite apart from the fact that whatever stand one takes, some traditions contradict the others. The only point of agreement is that it was ʿUmar b. al-Khattāb who prohibited it and enforced his prohibition, who decided that the action was forbidden and laid down the punishment of stoning for him who did it.

b) That it was a custom that was prevalent in the time of the Prophet by his permission; it makes no difference whether he had established that custom, or had let an old custom continue. Also that it was practised by such of his companions who cannot be accused of fornication, by any stretch of imagination. For instance, Jābir b. ʿAbdillāh, ʿAbdullāh b. Masʿūd, al-Zubayr b. al-ʿAwwām and Asmāʾ, daughter of Abū Bakr, who had given birth to ʿAbdullāh, son of al-Zubayr through this very *mutʿah* marriage.

c) That there were among the companions and their disciples, people who continued to believe and declare that *mutʿah* was lawful, like Ibn Masʿūd, Jābir, ʿAmr b. Hurayth and others (among the companions); and Mujāhid, al-Suddī, Saʿīd b. Jubayr and others [among the disciples].

This open and clear conflict among the traditions has led the Sunnī scholars, first to disagree among themselves whether *mutʿah* was lawful or unlawful, and then compelled the protagonists of prohibition to opt for diverse opinions as to how it was prohibited. In all, they have adopted not less than fifteen views—each different from the others and all amazing.

One may discuss this topic from many angles, but we are concerned here with some of them only. There is a sectarian polemic going on between the Sunnīs and the Shīʿahs. There is a jurisprudential aspect, whether *mutʿah* is lawful or not. Lastly, there is the exegetical angle, dealing with the exegesis of the verse: *Then as to such of them with whom you have mutʿah* Does it ordain the lawfulness of the *mutʿah*? If yes, then was it abrogated by any other verse, like that of the chapter 23 (The Believers) or those of marriage, prohibition, divorce, waiting period or inheritance? Or was it abrogated by the *sunnah* of the Prophet? Also, if it was legalized, had Islam initiated a new system? Or had it just confirmed an old custom? And so on and so forth.

It is this third aspect, i.e., exegetical, that we shall discuss in this book. We have already explained these matters in the Commentary; but here we shall give some more details, by drawing the readers' attention to what has been said [by some non-Shīʿahs] against the verse's implication regarding the *mutʿah* marriage and its legislation.

An Exegete's Claims and our Comments

A writer, after insisting that the verse only implies that one should pay dowry in full in permanent marriage, expresses his views as follows:

"The Shīʿahs say that the verse refers to the *mutʿah* marriage, that is, marrying a woman for a fixed term, e.g., one day, one week or one month. They argue by an irregular recital of the Qur'an which is narrated from Ubayy, Ibn Masʿūd and Ibn ʿAbbās (may God be pleased with them), and by the reports and traditions that have been narrated about *mutʿah.*

"As for the recital, it is irregular, which is not proved to be [a part of] the Qur'an. It has been explained earlier that if there are correct traditions as *khabar al-wāhid* in such matters, then the added words are treated as explanation; and it shows what the man concerned had understood [from the verse]; but understanding of a companion is not a proof in matters of religion, especially when the sequence and context [of the verse] rejects it—as it does here. Because the man who marries in *mutʿah* for a fixed term does not intend chastity instead of fornication; rather his first intention

is sexual satisfaction. Therefore, even if there is a sort of chastity for man (as it prevents him from free indulgence in fornication), there is surely nothing of chastity for the woman who hires out her body every now and then to a new man; she becomes, as has been said: A ball that is struck by bats, *And is dealt with by man after man.*"

Comment: He claims that the Shīʿahs argue by a recital of Ibn Masʿūd and others. But anyone who refers to the Shīʿī books and arguments will see that, when they mention that recital, they do not do so because they think it to be a reliable and independent proof in itself. How can they do so when they do not accept the authoritativeness of irregular recitals, even if they are attributed to their own Imāms? How can they argue by something they do not accept as authoritative against someone who does not accept its authority? Such an idea is nothing but a joke.

The Shīʿahs' actual argument is this: Those companions of the Prophet used to recite the verse in that way. It means that they believed it to be the verse's connotation. It is irrelevant whether they recited it as a part of the Qur'an, or just as its explanation which showed that they had understood this meaning from the wordings of the verse.

This argument is useful to the Shīʿahs in two ways:

i. It shows that a number of the companions believed as the Shīʿahs do. As the reports show, a number of the companions and their disciples believed in the lawfulness of the *mutʿah,* and if one wants to verify it, one is free to consult the relevant books.

ii. It proves that the verse means exactly what the Shīʿahs say, and the recital of those companions supports it. Not only that. Even the claim that the verse was later abrogated, clearly shows that the claimants accepted that the verse proved the lawfulness of the *mutʿah* marriage; otherwise, there was no need for them to say that it was abrogated or to narrate traditions of its abrogation. There are a lot of such traditions, a number of which was quoted above. The Shīʿahs make use even of the traditions of abrogation in the same way as they do with the above-mentioned irregular recital. It does not mean that they accept authority of irregular recitals, as it does not mean that they accept the verse's abrogation. What they want to prove is that those reciters and narrators believed that the verse spoke about the lawfulness of the *mutʿah* marriage.

As for the claim that the context of the verse does not agree with this meaning, his whole argument seems to be based on the assumption that the verb, *al-musāfahah* (fornication) has been used in this verse in its literal

sense, i.e., ejaculation of semen, and then he links this meaning with its intention. Thus he claims that the temporary marriage for satisfaction of sexual desire is *al-Sifāh* (fornication), and not *al-nikāh* (marriage). He seems unaware of the fact that even *al-nikāh* literally means sexual intercourse. It is written in *Lisān al-ʿArab:* "al-Azharī says: 'The basic meaning of *al-nikāh* in Arabic is to have sexual intercourse.' " Therefore, it will be necessary for him to say that even *al-nikāh* was fornication! Thus, his supposed contraposition between *al-nikāh* and *al-Sifāh* loses its bearing.

Moreover, if the intention of satisfying sexual urge turns the temporary marriage into fornication, then what if someone marries permanently with the same intention? Surely that permanent marriage too must turn into fornication. But is there any Muslim prepared to say so?

May be someone will say: There is a difference between permanent and temporary marriages. The permanent marriage by its very nature is meant to maintain chastity, procreate children and establish a household. But it is not so in a temporary marriage.

But it is just superciliousness. All the benefits attributed to the permanent marriage are obtainable from the temporary one; protects from fornication, saves the genealogy from mix-up; children may be born and cared for, and a house-hold may be established. That is apart from the added benefit which this *ummah* could derive from it because it is much more easier to do; and even he who because of various reasons (poverty, inability to maintain a wife permanently, being on a journey or other such reasons) is unable to marry permanently, may utilize this permission and save himself from sin.

On the other hand, all presumed defects of the temporary marriage—which have led him to say that *mutʿah* was fornication—may be found in the permanent marriage too, like the intention of satisfying sexual desire by ejaculating semen in the woman. Therefore, the claim that permanent marriage was made in its very nature for the claimed benefits, while temporary marriage was made in its very nature for the supposed defects, is just a claim that is not supported by any evidence and whose incorrectness is crystal clear.

Another claim: *Mutʿah* marriage is *al-Sifāh* (ejaculation); therefore it is fornication that is opposite of marriage. But when you interpret *al-Sifāh* as ejaculation of semen, then it will cover not only fornication but permanent marriage also—especially if the latter was done for satisfaction of sexual desire.

It is really amazing to read his claim that even if there is a sort of chastity for the man, there is no chastity for the woman. Would that I knew what was the difference between man and woman in this respect. How is it that a man can preserve his chastity and protect himself from fornication through the *mutʿah*, but a woman cannot? Is it anything except foolhardiness?

Now we come to the poetry lines quoted by him. The discourse is on a serious subject, by which we are trying to discover a religious reality which has very important bearing on the life of this world and the next—no matter whether at the end *mutʿah* is proved lawful or unlawful. What is the use of poetry in such a discourse? Poetry is just an imaginary composition;it recognizes falsehood more than it does truth; and has more affinity with error than with guidance.

One wonders why did he not recite these lines when discussing the above-mentioned traditions, and especially after the words of ʿUmar (in the tradition of al-Ṭabarī quoted above): "Now let anyone who so wishes marry [permanently] on a handful [of date] and separate the third day by divorce."

And who is the real target of his calumniation except God and His Messenger who had legalized this type of marriage, either as a new institution or by endorsement of an established custom? After all, it was undeniably a system prevalent among Muslims in the early Islam within the sight and hearing of the Prophet.

Question: The Prophet had allowed it in exigency, because in those days the Muslims were poor, and poverty overwhelmed the *ummah;* also they had to participate in expeditions, as some of the above- quoted traditions imply.

Reply: Once you admit that *mutʿah* was prevalent among the people in the early days of Islam, and that it was known by the names of *mutʿah* marriage, or *istimtāʿ*, there is no escape from admitting that the verse shows its lawfulness; that it is an unconditional verse and no other verse or tradition has capability of abrogating it. In this background, the claim that it was somehow abrogated is nothing but a willful misinterpretation without any proof.

Let us accept [for the sake of argument] that it was allowed by the Prophet as a matter of exigency. Now let us ask ourselves: Was the need during the time of the Prophet greater and more pressing than in the post-Prophetic era? Especially during the reigns of the 'rightly-guided' caliphs,

when the armies of the Muslims in their thousands were always on move to the east and the west? What was the difference between the first and the second halves of the caliphate of ʿUmar in this respect? How had the exigency vanished? Were there no poor Muslims in those days? Or had they stopped going to wars or journeys, etc.? Why one type of need had justified its legislation, but other types could not?

Compare the situation of the Muslim societies today with that of the time of the Prophet and the first half of the "rightly-guided caliphs". Is not the need that justified its legislation greater and more pressing now that it was in those days? Backbreaking poverty reigns over the Muslim countries, and the colonial governments and imperial powers as well as the Pharaohs who rule these places are sucking the blood of the masses, and usurping all green and dry produce of their labour.

Today licentiousness manifests itself everywhere; libertarianism appears in ever-more attractive and eye-catching garb; there is ever more effective exhortation to indulge in carnality and debauchery. This trend is spreading its tentacles wider and wider; the trouble is reaching every corner of the world and infecting more and more people. Immorality, illicit sexual behavior, is engulfing all the youths—be they students, soldiers or factory workers—and this group constitutes the majority of the human population.

Nobody can ever be in doubt about the basic needs which push these youths to fornication, homosexuality and all types of sexual aberrations. They are unable to establish and run a household; they are engaged in temporary occupations, or posted to a base for a fixed term, and it does not allow them to establish a home and marry permanently—no matter whether they are in service or studies or journey, etc. Now, how is it that these necessities could legalize *mutʿah* marriage in the early days of Islam—when they were comparatively less prevalent and much easier to bear, but cannot make it lawful in other times even when the calamity has overwhelmed the mankind, and mischief has greatly increased?

The said writer has further written: "Furthermore, the *mutʿah* goes against what has been established in the Qur'an about this subject [of marriage]. God, the Mighty, the Great, says praising the believers: *And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable; but whoever seeks to go beyond that, these are they that exceed the limits* (23:5–7). That is, they exceed the limit of what God has made lawful for them, and go into what

He has forbidden. These verses are not in conflict with the verse under discussion, that is: *Then as to such of them with whom you have mutʿah* ... [which he takes to mean, with whom you have cohabited]; they are rather of the same connotation, and there is therefore no abrogation. The woman in *mutʿah* is not a wife, who could have rights on man similar to man's rights on her, as God has said. It has been reported from the Shīʿahs that they themselves do not apply the rules of marriage on her, nor do they give her the concomitants of matrimony: They do not count her among the four wives a man is allowed to have together in marriage (if there is no danger of injustice); they rather allow him to marry in *mutʿah* a lot of women. Likewise, they do not prescribe the punishment of stoning for a fornicator when he has a *mutʿah* wife—because they do not count him as married; it shows their conviction that the words of God about those married in *mutʿah, taking them with chastity, not committing fornication,* [which he interprets as, 'in marriage, not committing fornication'] is not applicable to him—and it is a clear contradiction in term. Also some exegetes have narrated from them that a woman of *mutʿah* is not entitled to inheritance or maintenance; and that there is no divorce or waiting period for her. In short, the Qur'an is far away from this opinion, and there is certainly no proof, or even a quasi-proof, for it in this verse."

Comment: His claim, that the *mutʿah* goes against what has been established in the Qur'an, boils down to this: First, the verses of the chapter of 'The Believers': *And who guard their private parts*, confine the lawfulness to the wives, and a woman in *mutʿah* is not a wife; therefore, the verses refute the lawfulness of the *mutʿah*. Second, these verses do not permit the verse, Then as to such of them with whom , to be interpreted as speaking about *mutʿah*.

As for the claim that the verses of the chapter 'The Believers' prohibit the *mutʿah,* he has ignored the fact that these are Meccan verses, while *mutʿah* was prevalent even after *hijrah.* The question arises: When the Messenger of God allowed the *mutʿah* [after *hijrah*], was he allowing what the Qur'an had prohibited? But the Qur'an itself declares that the Prophet's words were final authority of religion, so there seems to be a contradiction in terms in the Qur'an itself. Or, had his legalization abrogated the verses of [presumed] abrogation (*And who guard their private parts* ...), and then the *mutʿah* was forbidden again (either by the Qur'an or the Prophet, thus reviving the prohibiting verses after their death? Did this verse (of The Believers) become decisive after its abrogation? It is such an alternative

which no Muslim would ever agree to, nor anyone has ever said so; nor is it ever possible to say.

This analysis is in itself a good proof that the woman of *mutʿah* is a wife, that the *mutʿah* is a marriage, and that these verses, of the chapter of 'The Believers', prove that *mutʿah* marriage is a proper matrimonial state: Otherwise, it will follow that the said verses were abrogated by the permission the Prophet gave for *mutʿah,* [but nobody would admit it]. Therefore, the said verses actually prove the lawfulness, not prohibition, of the *mutʿah.*

Let us explain it in another way:

The verses of the chapters, 'The Believers' [23:5–7] and 'The Stairway' [70:29–31], that is: *And those who guard their private parts, except before their mates ...,* are the strongest of all the verses to prove the lawfulness of the *mutʿah.* It is agreed by all that these verses are decisive and unabrogated; and that they are of the Meccan period. Also, it is crystal clear from history and traditions that the Prophet had allowed *mutʿah.* If the woman of *mutʿah* was not a wife, then obviously the Prophet's permission would abrogate the said verses—but they are not abrogated. The only conclusion is that the *mutʿah* was a lawful marriage. Now that it is clear from the above that the said verses prove lawfulness of the *mutʿah,* then the claim, that the Prophet [Subsequently] prohibited it, is also proved wrong, because such claim goes contrary to the Qur'anic verses and would entail the verses' abrogation; but, as you know, all are agreed that these are decisive ones and were never abrogated.

In any case, the woman married in *mutʿah* is a wife, and *mutʿah* is a *nikāh* (marriage), contrary to what its detractors claim. It is enough, in this respect, to draw your attention to the traditions quoted above, in which the companions of the Prophet and their disciples have used the name, '*mutʿah* marriage', for this union. Even ʿUmar b. al-Khattāb has used the same name in the traditions which describe his prohibition; for example, see the report of al-Bayhaqī narrated from ʿUmar (quoting his lecture), and the tradition of Muslim narrated from Abū Nadrah. Not only that. Even ʿUmar's words (quoted in the tradition of *Kanz al-ʿummāl* from Sulaymān b. Yasār), "announce it, in order that marriage may be distinguished from fornication", are based on the same nomenclature; as it implies that the *mutʿah* is a marriage but is not distinguished from fornication; therefore it is incumbent upon Muslims to announce it; they should solemnize a marriage that is known and distinguishable from fornication. This

connotation is inferred from his order to 'announce it'.

In short, there is no room for any doubt that, according to the language of the Qur'an and that of the companions and their disciples, *mutʿah* is *nikāh* (marriage) and the woman so married is wife. It was only after ʿUmar's prohibition that the two words, *al-nikāh* and *al-tazwīj* (marriage), became [gradually] reserved for the permanent marriage, because *mutʿah* marriage went out of practice, and the people performed permanent marriage only. Thus there remained no other application for the two words, and the permanent marriage became the only meaning that immediately came to the minds. The case of the two words is not different from many other words that have acquired a new or restricted meaning in the language of the Muslims.

The above also shows baselessness of what the said writer has written later that the Shīʿahs themselves do not apply the rules of marriage on the woman of *mutʿah*. We have a right to ask him what he means by the word, 'wife'. If he uses the word as it is used in the language of the Qur'an, then the Shīʿahs apply all its rules on the *mutʿah* wife—without any exception. But if he means the wife as is understood in the language of the Muslims—as explained above—which they use in their jurisprudence, then the Shīʿahs do not apply all its rules on her—but there is no harm in it.

Now we come to his argument that 'the Shīʿahs do not prescribe stoning for a fornicator who has a *mutʿah* wife, and it shows their conviction that the words of God, *muhsinīn ghayr musāfihīn* (which he interprets as 'in marriage') are not applicable to him; and it is a clear contradiction in term.'

First of all, we have explained in the commentary of this verse that, because this clause includes conjugal union with one's slave girls too, it obviously means 'chastity', not marriage. Even if we accept that *muhsinīn* means 'in marriage', not, 'in chastity', [as translated by us] , then the verse includes *mutʿah* marriage in any case. As for non- stoning of the fornicator who has a *mutʿah* wife (apart from the fact that stoning is not a Qur'anic law), it is based on explanation or restriction by the *sunnah*, like other matrimonial laws—inheritance, maintenance, divorce and waiting period.

To put the above statement more clearly, if a verse relating to laws is taken to be vague—because it only aims at ordaining the basic rule—then whatever restrictions are attached, they will amount to its explanation; they will not be counted as a restriction or a condition. If, on the other hand, the said verse is taken to be a general or unconditional one, then

the explanations given in the *sunnah* will be counted as restrictions or conditions. There will not arise any question of contradiction in terms in such cases. See for details the books on the Principles of Jurisprudence.

These verses of inheritance, divorce and maintenance, like other verses, are not free from restrictions and conditions. An apostate wife is debarred from inheritance, and separates without any divorce; the husband may cancel the marriage without giving divorce, if the wife has certain defects; a recalcitrant wife loses her right of maintenance. With all these restrictions, what objection is there if a few other rules are restricted because of the *mutʿah*? The statements that remove the *mutʿah* marriage from the rules of inheritance, divorce and waiting period are either restrictions or conditions.

As for the fact that, in the language of the Muslims, the words, *al-nikāh* and *al-tazwīj* are now exclusively used for permanent marriage, it creates no difficulty for our stand, even if the said writer thinks otherwise. When a jurist says: 'A permanently married *(al-muhsin*) fornicator shall be stoned;' and then says: 'A fornicator who has a *mutʿah* wife shall not be stoned because he is not *al-muhsin*'; it only shows that in his terminology *al-ihsān* implies permanent marriage that has certain especial effects. But it does not effect the language of the Qur'an in which *al-ihsān* has been used together for both permanent and temporary—marriages; and which establishes especial rules for each.

As for his claim that the Shīʿah do not prescribe waiting period for a *mutʿah* wife, it is a shameless slander. There are the collections of Shīʿī traditions and the tomes of their jurisprudence, all of which clearly say that the waiting term of a wife of *mutʿah* is two monthly courses. Some relevant traditions narrated through Shīʿī chains from the Imāms of Ahl al-bayt have earlier been quoted in this discourse.

The said writer further writes: "The traditions and *ahādīth* that have been narrated on this subject, all together show that the Prophet used to allow *mutʿah* to his companions in some expeditions, then he forbade them, then again allowed it to them once or twice, then prohibited them to do so—a perpetual prohibition.

"He had allowed it only because he knew that it was difficult for them to abstain from fornication when they were away from their wives. Thus the *mutʿah* was a sort of lesser evil. It was much better if a man married an unmarried girl for a fixed term and stayed with her during the agreed period, rather than being occupied in fornication with any woman he

could seduce."

Comment: What he has said that the traditions on the whole show that it was allowed in some expeditions, then disallowed, then again allowed once or twice, then prohibited for ever, does not agree with any of the traditions with all their mutual contradictions and irreconcilability. Just have a look at them (and we have quoted earlier most of them) and you will find that they all together refute word by word what he has offered as a way of reconciliation amongst them.

He has further written: "The Sunnīs are of the opinion that the permission of *mutʿah,* once or twice, was a sort of a gradual step in final prohibition of fornication, as had been done in the case of intoxicants. Both these evils were wide-spread in the era of ignorance, but fornication was prevalent in the slave girls, not the free women."

Comment: His claim, that permission of *mutʿah* was a step by step approach to the final prohibition of fornication, implies that in their eyes *mutʿah* was a sort of fornication, and that, like other ways of fornication, it was wide-spread in pre-Islamic days; and for this reason the Prophet took gradual steps—a soft approach—before finally forbidding fornication, hoping that in this way this prohibition would prove acceptable to the people. Therefore, first he prohibited other kinds of fornication and let the fornication of *mutʿah* continue. He first allowed it, then prohibited and again allowed it until he could forbid it for ever, and then he enforced perpetual prohibition.

By my life, it is the most ignominious mockery of the pure religious laws, which God had promulgated with the sole aim of purifying this *ummah* and completing His favors on them. Now let us look at this opinion:

1) We have already explained that the claim that the Prophet prohibited *mutʿah* then allowed it, then again prohibited and again allowed it, when seen in the background of the verses: *And those who guard their private parts* ..., which form the parts of the chapters of 'The Believers' and 'The Stairway'—the Meccan chapters—and which, the said writer insists, prove the prohibition of *mutʿah,* would mean only one thing: That the Prophet first abrogated these verses by allowing the *mutʿah,* then abrogated the abrogation and revived and re-confirmed the verses; then again abrogated the verses and then again revived them and made them decisive, and this cycle was repeated several times. Is it anything but accusing the Prophet of playing with the Book of God?

2) Some verses of the Divine Book which prohibit fornication are as follows:

> *And go not near to fornication; surely it is an indecency and evil is the way* (17:32).

What language can be clearer than this? And it is a Meccan verse that forms a part of a chain of several other prohibitions.

> *Say: "Come, I will recite what your Lord has forbidden to you ... and do not draw near to indecencies, those of them which are apparent and those which are concealed ... "*(6:155)

The word, *al-fawāhish* (indecencies) is plural, preceded by the article, *al,* within a prohibitory sentence. It means that the prohibitionary order covers all types of indecency or fornication. This verse too is of Meccan period.

> *Say: "My Lord has only prohibited indecencies, those of them that are apparent as well as those that are concealed ..."* (7:33)

The same word, *al-fawāhish,* with the same grammatical details, is used in this verse, and this too is of Meccan period.

> *And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable. But whoever seeks to go beyond that, these are they that exceed the limits* (23:5–7; 70:29–31).

Both these are Meccan chapters, and the verses prohibit all types of fornication, and, according to the writer's claim, that includes *mutʿah* too.

These are the bulk of the verses which prohibit fornication, the unlawful indecency; all of them were revealed in Meccan period, and all of them are very clear about the prohibition. So, from where did he get the idea of graduality in prohibition? Or does he say—as is the clear implication of his claim that the verses of the chapter, 'The Believers' show prohibition of the *mutʿah*—that God had prohibited it for ever; still the, Prophet preferred the step by step approach in enforcing this prohibitory order, by allowing it time after time to humour the people, so that in the end they would accept total prohibition. But God had very strongly admonished His Prophet against this very policy, when He revealed to him: *And surely they had purposed to turn you away from that which We have revealed to you, that you should forge against Us other than that, and then they would certainly have taken you for a friend. And had it not been that We had already firmly established you, you would certainly have been near to incline to them a little. In that case We would certainly have made you*

to taste a double (punishment) in this life and a double (punishment) after death, then you would not have found any helper against Us (17:73–75).[1]

3) We should think about this permission which the Prophet is supposed to grant time after time. Was he allowing the *mutʿah* without there being any divine order to make it lawful? (We should not forget that the *mutʿah* is presumed to be fornication and indecency.) If he was doing it on his own, then it would be a clear contravention of his Lord's command—but the Prophet was protected by God from every error and deviation. Or was he doing it by God's order, then it would mean that God was enjoining indecency. But God has clearly refuted such suggestion when He addresses His Prophet in these words: *Say: "Surely Allah does not enjoin indecency"* (7:28).

If, on the other hand, the Prophet was allowing it because there was a divine order to make it lawful, then it was not fornication, nor indecency. It was an ordained institution with its clearly defined boundary. It was not to be done with a woman in prohibited degrees—like the permanent marriage. Also, like the permanent marriage, there was the obligation of dowry, the waiting period (to prevent mixing of sperm and confusion of paternity). Add to it the advantage of satisfying the people's needs. Then why should it be called indecency? What is indecency? It is that evil deed which the society considers repugnant or repulsive because of its moral depravity and licentiousness, or because it disturbs public weal and puts hindrance in fulfilment of the society's needs.

4) The claim, that the *mutʿah* was a sort of fornication prevalent in pre-Islamic days, is a fabrication of history, a fiction that has no historical proof. No history book mentions it, either explicitly or implicitly. It was a system originated by Islam, a concession given by God to this *ummah* to provide for their needs, and to protect the Muslim society from spreading of fornication and other indecencies. If they had established this system, then the Muslim governments would not have felt so much constrained to turn a blind eye to fornication and other indecencies, which have gradually become a part of their social structure—thanks to the secular codes—and which have filled the earth with depravity and wickedness.

As for his claim that "both indecencies were wide-spread in pre-Islamic days; but fornication was more common among slave girls, not

---

1 These verses are of Meccan period. Could the Prophet ignore this clear divine command years later in case of *mutʿah*? [Trans]

free women", apparently by the two indecencies he means fornication and drinking intoxicants. This much is correct. But there is no ground to claim that fornication was wide-spread in slave girls and not in free women. Numerous historical proofs of diverse nature prove otherwise. Look, for example, at their poems which describe their exploits. Also, the narration of Ibn ʿAbbās has been quoted earlier that, according to the people of the era of ignorance, there was no harm in fornication if it was not done openly.

Also, there was the custom of claiming paternity of one's illegitimate child, and of adoption, that was wide-spread in the era of ignorance. It was not merely a nominal thing to establish whom the child belonged to. It was prevalent because the powerful persons wanted—through this affiliation—to increase their preparedness [for fights] and their man- power. They relied for this matter on illicit sexual relations which they established with free women—even the married ones. So far as the slave girls were concerned, the Arabs, and especially the powerful ones, thought it a disgrace to mix with them, or to court and woo them. As for the slave girls, their only role in this was that their masters coaxed them for prostitution, exploiting them for their own monetary gains.

The above situation may be comprehended from the stories of affiliations described in traditions and biographies, like the story when Muʿāwiyah, son of Abū Sufyān, attached Ziyād (the bastard) to his father, Abū Sufyān, and the evidence given by [Abū Maryam, the wine merchant] concerning that affair, as well as other such episodes that are narrated in the books.

Maybe someone would quote the words of Hind [wife of Abū Sufyān] spoken to the Prophet at the time of offering her *bayʿah* (allegiance): "Does a free woman commit adultery?", and offer it as a proof that adultery and fornication was not common among the free women. But if you look at the collection of the poems of Hassān [b. Thābit al-Ansārī] and ponder on the satiric poems he had composed to ridicule this same Hind, after the battles of Badr and Uhud, you will remain in no doubt and will see the reality in its true perspective.[1]

---

1 This Hind was very much attracted to the black youths, and whenever she gave birth to a black-colored child, she killed it. (Vide: Sibt Ibn al-Jawzī, *Tadhkirat khawās al-ummah,* p.186.) *As* for Hassān's poems, these are very explicit and were recited in presence of the Prophet. Four rather mild lines are as follows:

Thereafter, the said writer has tried to clarify the meaning of the traditions, and vainly attempted to reconcile them to one another, and finally has said: "According to the Sunnīs, there are [three] main proofs of the *mutʿah's* unlawfulness:

First: As you have seen, it goes against the apparent meanings, if not the clear Wordings, of the Qur'an, concerning the marriage, divorce, and waiting period.

Second: The traditions which clearly say that it was forbidden perpetually up to the Day of Resurrection ...

Third: Its prohibition by ʿUmar and his indication, from the pulpit, of its being prohibited, and the confirmation of his views by the Companions; and it is known that they had never remained silent on any unlawful thing, and used to argue with him if he was in wrong."

Then he has taken the stand that " ʿUmar had not prohibited it by his own *ijtihād;* that he had done so relying on the prohibition that was well- established by the prohibitory order of the Prophet, and that this prohibition is attributed to him only because he had made it clear or enforced it, as they say: al-Shāfiʿī has prohibited wine and Abū Hanīfah has made it lawful."

Author's comments: As for his first and second proofs, you have seen the reality in the preceding description, as well as in the Commentary, in its utmost clarity. Now comes his third argument: We agree that ʿUmar had made it unlawful; it is irrelevant whether he did so by his own *ijtihād,* or relying on Prophetic prohibition (as this writer claims); it is equally immaterial whether the Companions had remained silent because of his fear and dread, being intimidated with his threats, or because they agreed with his prohibition (as the writer claims), or because a certain group did not agree with it, as is seen in the traditions narrated from ʿAlī, Jābir, Ibn Masʿūd and Ibn ʿAbbās. The fact remains that ʿUmar's prohibition and his swearing that he would stone anyone who would do it or would say it was lawful, cannot have any effect whatsoever on the verse under discussion which clearly shows its lawfulness; and whose connotation has not been blunted by the Qur'an or the *sunnah.* There is no doubt about the meaning

---

Have you forgotten the adultery you have committed? O Hind! Curse be on you to the end of the time!
The midwives believe that she has given birth to An infant that is the product of adultery. [Trans.]

of the verses and their decisiveness.

Another writer has really overdone his 'argument' when he claims that the *mutʿah* was only a custom of pre-Islamic days, which had never entered the Islamic boundary; so there was no need of removing it from Islam, or of abrogating it through the Qur'an or the *sunnah*; the Muslims had never known it, and it is not found except in the Shīʿī books!

Author's comments: This writing, which by one stroke of pen has wiped off the Qur'an, the traditions, the consensus and the history, has brought the ever-shifting position [of the Sunnīs] on this subject to an amazing point. The *mutʿah* was an established custom during the days of the Prophet. Then came the reign of ʿUmar and he forbade it and the prohibition was enforced among the masses. That prohibition was justified on the grounds that the verse of *mutʿah* was abrogated by other verses, or by prohibitory order of the Prophet. But several companions[1] and a lot of their followers from among the jurists of al-Hijāz and al-Yaman as well as others opposed that prohibition. This list includes the likes of Ibn Jarīh[2] (one of the Imāms of *al-hadīth*) who staunchly believed in its lawfulness, so much so that, in all, he had done *mutʿah* with seventy women; and Mālik[3] (one of the four Imāms of Jurisprudence).

This continued for some time. Then the later days' exegetes turned a blind eye to the meaning of *mutʿah* that was clearly understood from the word, *istamtaʿtum*, and tried to interpret it as permanent marriage; as

---

1 A truly astonishing comment on this verse has been written by al-Zajjāj who says: "A group has committed a great blunder in this verse, because of their ignorance of the language. That is, they have said that the verb, *istamtaʿtum* (you have *mutʿah*) is derived from *al-mutʿah*, which, all scholars unanimously say, is unlawful." Then he claims that "the said verb means marriage".
Would that I knew which part of his writing can be mended! Can anyone repair his accusing the people like Ibn ʿAbbās and Ubayy of ignorance of language? Or, his claim that all scholars unanimously agree on prohibition of the *mutʿah*? Or, his claim of expertise in Arabic language while he translates *al-istimtāʿ* (to do *mutʿah*) as marriage? [Auth.]

2 See his biography in *Tahdhību al-tahdhīb* and *Mīzān al-iʿtidāl.* [Auth.]

3 See the books of Jurisprudence for these views. Detailed juristical and theological discourses on *mutʿah* may be found in the writings of the scholars of these subjects, be they of early days or of later periods—and especially the modern eminent personalities who have scholastically reviewed all the arguments. [Auth.]

for the *mutʿah* marriage, they said that it was a system originated by the Prophet's order which was later abrogated by his subsequent tradition. Lately, they claimed that *mutʿah* was a kind of fornication prevalent in the era of ignorance, which the Prophet repeatedly allowed and disallowed until it was perpetually forbidden up to the Day of Resurrection. Now comes this latest 'scholar' who says that *mutʿah* was only a sort of fornication in pre-Islamic days, which had never been known in Islam and which is not found outside the Shīʿī books!

Only God knows what turn this subject will take in coming days.

An Academic Discourse [Meaning of "Son" in Shariah]

The bond of relationship—which connects one person to another by birth—is in fact a natural bond, based on creation, from which originate the clans and tribes; it carries with the blood the hereditary traits and characteristics. Together with other active and passive factors, it is the source of all national characteristics, traditions and customs.

Human societies, whether advanced or primitive, generally give importance to it in their social laws and customs, like marriage, inheritance, etc. Even then, they have often been tampering with it—expanding or contracting its circle—as demanded by exigencies of a given environment. You have seen in the previous discourses, for example, that many ancient nations did not recognize a woman as having the legal relationship with man, while at the same time they accorded such recognition to an adopted son. In the same way, Islam does not recognize any kinship between a belligerent unbeliever and a Muslim; it also affiliates a child to the husband of its mother. And so on and so forth.

As you have seen in the preceding discussions, Islam accords full rights of kinship to women, making them full partners in properties and giving them complete freedom of will and action. Thus son and daughter both stand on the same level so far as relationship and legal kinship are concerned. The same is the case with father and mother, brother and sister, grandfather and grandmother, paternal uncle and aunt, and maternal uncle and aunt. In this way, the vertical column of lineage officially and legally descends through a daughter exactly as it does through a son. A son of the daughter is the son of the grandfather exactly like a son of the son—generation after generation. Likewise, a daughter of the daughter and a daughter of the son, both are the grandfather's daughters—on equal footing. The rules of marriage and inheritance are based on this

very foundation. You have seen that the verse: *Forbidden to you are your mothers and your daughters* ..., reconfirms this reality.

Our ancient scholars have missed the point while writing on this and other similar questions. Although it is a sociological and legal matter, they have treated it as a literary problem, which could be solved with the help of lexicon and literary references. Consequently, there arose a very severe conflict among them on such questions as, for example: What was the actual meaning for which the word, 'son' was made. Some have enlarged its circle while others have reduced it. But both have taken the wrong approach.

Someone has said: "Sonship, as is known in the language, continues through a son only. As for the son of a daughter, and all relationships joined through her, they are affiliated to their fathers, not to their maternal grandfather; and the Arabs do not count them as their maternal grandfather's sons. As for the words of the Messenger of God for Hasan and Husayn: 'These my two sons are Imāms, whether they stand up or sit down', and other similar pronouncements, they are merely honorific expressions." Then he has quoted the lines of a poet:

> Our sons are the sons of our sons; and as for our daughters, Their sons are sons of other people.

And likewise, another one has said:

> The mothers of the people are merely receptacles
> *To deposit* [the sperm], *and the lineage is taken from*
> the fathers.

Author's comments: The above writer seems confused about the scope of the discussion. He thinks that it is a literary question; according to him, if the Arabs had coined the word, son, for a wider meaning that would have included daughter's son, the result of the discussion would have changed. He seems oblivious to the fact that the laws and effects emanating—in various human societies—from fatherhood, sonship and other such factors, do not depend on language; they are based on the social structures and prevalent customs and traditions. Sometimes, when the social customs change, the laws and effects are also changed without bringing any change in the language. It proves that this question is sociological (or is related to sociology), and not merely a literary discussion related to language.

As for the lines of poetry quoted by him, what value does a poetry have in the market of realities? It is an imaginary embellishment and nothing

else. How can he argue on the strength of some words spoken by a blabbermouth poet—especially in matters concerning the Qur'an, the divine book that is a decisive word, and not a jest?

As for the argument that sons are affiliated to their fathers and not to their maternal grandfathers: first of all, it is not a question of language; secondly, it is not connected with the principles of lineage (so that if a son or daughter is affiliated to the father, it might result in cutting his/her lineage from the mother's side). This affiliation to father emanates from the fact that the man has dominant authority on the household, in maintaining it, bringing up the children and similar other matters.

In short, the mother transfers the relationship of lineage to her male and female children, in the same way as the father does. Its most obvious effects may be seen in the Islamic laws of inheritance and prohibitions of marriage. Of course, there are other rules and directives which are based on other principles, e.g., rules governing paternity, maintenance and distribution of the share of *al-khums* (one-fifth of saving, etc.) among the Prophet's relatives. Each law is governed by a principle that is relevant to it.

Another Academic Discourse [Philosophy of Prohibition of the Women of Prohibited Degree]

According to the historical evidence available to us, marriage is among the social traditions which have always been prevalent in all types of human societies. This by itself proves that marriage is a natural way of life.

Moreover, its strongest proof may be found in the complementary reproductive system with which males and females have been equipped, (as we have repeatedly said). Both sexes (male and female) are equal in this pursuit, although the female has been additionally equipped with suckling organs and imbued with love and sentiments necessary for bringing up the children.

In addition, there are natural instincts, which manifest themselves in many ways. They instil love of children, enforce the feeling that a person survives through his/her progeny, strengthen the belief that woman is a comfort for man and vice versa, recognize the principle of inheritance (after accepting the basic principles of private property and exclusive attachment), and emphasize the necessity of establishing a household.

The societies which accept, in general, these natural laws and principles, have no escape from establishing and recognizing the marriage system, in the meaning that a woman is exclusively attached to a man, so

that men and women do not mingle together in such a way as to nullify the lineage. This factor alone would make the institution of marriage indispensable even if there could be found a way of protecting the public from various diseases and from degeneration of reproductive powers (which is the inevitable result of wide spreading fornication and promiscuous sexual behavior).

These principles are recognized by all nations who accept the institution of marriage, no matter what system they followed, whether it was monogamy, polygamy or polyandry—or even if they allowed a group of husbands for a group of wives. In any case, recognition of marriage is there—in the meaning of an especial type of attachment and companionship between the spouses.

As for indecency and fornication (which by its very nature destroys lineage and corrupts genealogy), human nature is the first to abhor it, because the nature demands marriage. The signs of that abhorrence and repulsion are visible in various nations and societies, even among those nations which practically grant full freedom of sexual liaisons between men and women. Even they are now alarmed of this debauchery and licentiousness, and are enacting laws that could somewhat preserve the lines of descent and genealogy.

However, man, while believing in the institution of marriage, does not feel bound by nature to any other restriction. His nature does not tell him that a certain related or unrelated female is unlawful to him. Thus a male may establish sexual relations with his mother, sister, daughter or others like them. Likewise, a female may not consider her father, brother or son as unlawful to herself. This is, of course, if they are left to their desire. Recorded and oral history clearly shows that marriage with mothers, sisters, daughters and other nearest relatives was widespread in all nations—advanced ones and backward ones alike. News media is full of reports of incest between brothers and sisters, and fathers and daughters, in the modern 'civilized' nations. When the sexual desire is aroused, nothing can stand in its way. Of course, these nations do not allow marriage with mothers, sisters, daughters and other near relatives; but this restriction is merely a custom they have inherited, and which perhaps goes back to some ancient national traditions and taboos.

Look at the laws ordained by Islam for regulating matrimonial affairs; compare them with all other codes and customs prevalent in the world. You will find that the Islamic laws are most comprehensive, and give

fullest guarantee for avoiding all risk of mix-up in lineage, and provide for complete natural benefit and human welfare. All the regulations laid down by Islam concerning marriage and its concomitants have two objectives in view: To protect the lineage and to block the path of fornication.

The rules which directly ensure the lineage against a mix-up, include prohibition of marriage with a woman presently married to another man. In this way polyandry has been nullified, as it would have caused mix-up of progeny. The same is the underlying reason for fixing a waiting period for woman after divorce—that she should not marry another man up to three monthly courses—so that the two men's sperm is not mixed up.

As for the other prohibited women—the fourteen categories mentioned in the verses of prohibition—the reason for their prohibition is to shut up the door of fornication. Man lives his domestic life, mostly, with these fourteen groups of women; he mingles and intimately associates with them. Continuous association and intimate proximity was enough to fix the man's attention, to focus his thoughts, on them; awakening his animalistic desires and lustful cravings, inciting him to what his libido longs for and base nature tempts to; and whoever hovers around a demarcated area may easily slip in it.

Therefore, it was necessary, in these cases, not to rely too much on the general prohibition of fornication. Regular proximity and repeated craving of lust and desire do not help a human being in guarding oneself against illicit sexual involvement. It was, therefore, essential to prohibit these women perpetually, for ever. Also the society members should be trained and brought up with this idea and belief firmly fixed in their mind, in order that they should have no hope at all that they could ever get these women. This would kill every base desire for them, and root all such evil craving out.

This is what we see in the Muslim societies; even those Muslims, who might be steeped in debauchery, would never think of any indecency with the women of prohibited degrees, or of committing incest with mothers, daughters or such relatives. Surely, without this perpetual prohibition, no household could be free from incest, etc.

As regards the women other than those of prohibited degrees, Islam has blocked the way of fornication with them by making it compulsory for them to observe *hijāb* (veil), and prohibiting the mingling of men with women. Without this rule, prohibition of fornication alone could not stop man from that shameful deed. In fact, there were only these two ways

of eradicating illicit sexual conduct. Either the two sexes are prevented from mingling with each other, as Islam has done regarding one group of women; or all thoughts of getting a woman is erased from a man's mind, by making perpetually unlawful to him, so that he grows up with this belief and does not see, or even hear of, any such material union anywhere in the society, and therefore such evil idea never crosses his mind.

Do you want to see the proof? Well, look at the western societies. These Christians believed that fornication was unlawful, and even treated polygamy as adultery. At the same time, they allowed and practised mingling of men and women. Before long, fornication spread all over the society ; now it is almost impossible to find even one person in a thousand who is free from this disease; nor one man in a thousand who can be sure that the children born in his house were really his own. Soon afterwards, the condition deteriorated even further, with men having sexual affairs with their sisters, daughters and mothers. The degeneration of society continued; now men commit sodomy with boys, or youths do it among themselves; and so the debauchery spreads and spreads. God had created the fair sex as a comfort for man, a boon to strengthen the back-bone of humanity, and to make the human life pleasant. But these people have turned woman into a 'hunting gear', which they use to achieve their political, economic and social ambitions; she is a means by which men obtain their objectives—mostly the things that corrupt the society and individuals. Human life has turned into an imaginary hope, a sport and an amusement—in true literal sense of these words. Now the rent is beyond repair.

That was the underlying reason which led Islam to perpetually prohibit those women (either with some condition or unconditionally)—except the married women, whose case is different, as was explained above. This rule protects family from involvement in incest and indecency, and corruption, as you have seen.

Also, it was mentioned earlier that the sentence: ... *and your stepdaughters who are in your guardianship ...,* gives a sort of indication of this underlying benefit. Moreover, the last part of the verses of prohibition, *Allah desires that He should make light your burdens, and man is created weak* (4:28), probably points to the same reality. As these fourteen categories of women have been prohibited for ever by God, it has removed the burden of temptation from man; otherwise, the case would have been quite different, and man would have looked towards them with carnal desire; and man is created weak, he finds it difficult to stand against

lust and libido. God says: *Surely your guile is great* (12:28). It really would require extraordinary self-control for a man to live with one or more non-relative women, spend his time with them alone and in public, remain near them day and night, when his hearing and sight are constantly filled with their sweet talk and attractive demeanor; and yet to remain firm against devilish thoughts about them, and to restrain himself against temptations. We know that sexual desire is one of the two basic needs—the other being the food. All other needs are subsidiary, springing from these two. Probably, it is this reality which the Prophet was pointing to, when he said: "Whoever marries, safeguards half of his religion; so he should fear God regarding the other half."[1]

almizan.org

almizan.org

1 See chapter of 'Marriage' in *Wasāʾil al-Shīʿah*. [Auth.]

Verses 29-30

The verses have a sort of connection with the preceding ones, inasmuch as these contain prohibition of swallowing up properties by wrongful means, while the former had, *inter alia*, prohibited usurping women's dowries by confining and restraining them and exceeding the limit. We may say that these verses describe a rule in its general form while the former had given one of its specific examples.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ۚ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

(4:29) ***O you who believe! do not swallow up your property among yourselves by wrongful means, except that it be trading by your mutual consent; and do not kill your selves; surely Allah is Merciful to you***

The connotation of eating is well-known; it means using up an edible items bit by bit by swallowing. As it implies mastery, control and consumption, they say: The fire ate the fire-wood; as the fire annihilates the wood by burning, it is likened to consuming the food by eating and swallowing. Also they say: He ate the property; i.e., he consumed it by getting control over it. This is because the main use a man makes of a property is to eat it, as taking food is the most essential thing man needs for his existence; that is why, if he uses a thing, it is said, He has eaten it. But this word is not applied to every use; it implies the use with complete mastery over the item in a way that removes all other's control over it; it may be through possession or such other authority. In short, he consumes the goods by having mastery over it as an eater uses up the food by eating.

An action is called 'wrongful' when it does not have a right purpose, a wise objective. *al-Tijārah* (trade) entails managing the capital to get profit, as al-Rāghib has said; he has also said: "There is no other word in Arabic in which *ta* is followed by *jim*." However, it implies a deal of sale and purchase.

Why has the clause, "do not swallow up your property", been qualified with the words, "among yourselves"? The qualifying phrase connotes collective earnings and joint usage of property. Consequently it implies, or shows, that the forbidden swallowing up refers to that usage where the property is variously rotated and circulated among themselves. Thus the sentence, when further qualified with, "by wrongful means", makes such dealings unlawful which do not lead the society to happiness and success, which bring harm to it and push it to corruption and destruction; these are the dealings which are unlawful in the eyes of sharīʿah, like interest, gambling and deceptive trade, e.g., selling something for stone-fruit or rubble and things like that.

Accordingly, the excepted clause, "except that it be trading by your mutual consent", is unrelated to the main sentence; it is a disjointed exception; yet it was put here to remove a possible misunderstanding. When the verse prohibited eating up people's property by wrongful means—and a lot of dealings prevalent in a corrupted society, through which properties change hands, are unlawful in the sharīʿah's eyes, like deals involving interest, cheating, gambling, etc.—someone could think that it would demolish the pillars of society, and tear the social fabric to pieces, leading people to perdition and destruction.

To remove that misgiving, the excepted clause mentions one type of dealing which can regulate the diverse affairs of the society, strengthen its back-bone and keep it steadfast, and that is the trade with mutual consent, done in correct way, which can easily fulfil all needs of society.

This exception is not unlike that used in the verses: *The day on which neither property will avail nor sons, except him who comes to Allah with a submissive heart* (26:88–89). As the first sentence had asserted that property or sons will be of no avail on the Day of Resurrection, a misgiving could creep into hearts that there was no way of succeeding on that day; because the main things which benefit a man were property and sons; and if these two could not help, then what was left there except failure and hopelessness? The excepted clause provides answer to this unspoken question; it shows that there was another factor which could bring complete success on that day (although it is neither property nor sons); and that is a submissive heart.

The view we have taken—that it is a disjointed exceptional clause is more in conformity with the context. The clause, "by wrongful means", is a basic factor, as is the case in verse 188 of Ch.2: *And do not swallow up*

your property among yourselves by wrongful means, neither seek to gain access thereby to the authorities, so that you may swallow up a portion of the property of men wrongfully while you know.

Accordingly, there is no need to suppose that the verse is particularized by other lawful dealings and recognized transfers—other than trade—which transfer possession and regularize management, like gift, compromise, prize, as well as dowry, inheritance and similar things.

Some people have said that the exception in this verse is jointed and the clause, "by wrongful means", has only explanatory value; and that it shows the condition of the main clause, after exclusion of the excepted clause (that is, the remainder is covered by prohibition). Accordingly, the meaning will be as follows: Do not swallow up your property among yourselves, except that it be trading by your mutual consent; if you ate it by any means other than trade, it would be swallowing it up wrongfully which is prohibited. It is the same style as you say: Do not hit an orphan except for teaching him.

Comment: Although such usage is correct and well-known among the Arabists, yet you have seen that taking it as a disjointed exception is more in conformity with the context.

Someone has said: What this verse disallows is spending wealth in ways not liked by God; and 'trade' refers to its use in what God is pleased with. A third one has said that this verse implies total prohibition of eating other people's property without giving something in exchange. He claims that after this verse was revealed, people refrained from eating anything in one another's house; it continued until this rule was abrogated by verse 61 of chapter 24: *There is no blame ... on yourselves that you eat from your houses, or your brothers' houses ... It is no sin in you that you eat together or separately.*

Comment: As you have seen, such interpretations are far-fetched, having no connection with the wordings of the verse.

A really amazing explanation has been given by someone who has tried to combine between the claim that the exception here was a jointed one and the view that the qualifying phrase, "by wrongful means", was a basic condition—not merely an explanatory clause. The following is the gist of what he has written:

" 'Wrongful means' implies swallowing up a property without giving in exchange something equal in value. The main sentence shows that it is unlawful to take someone's property wrongfully without giving something

in return. Then trade has been excepted from it, although most of the trade is not free from wrongful ways; because it is extremely difficult, if not impossible, to fix the exact return, even with the help of the most sensitive balance, in such a way that the price is exactly equal to the commodity in value.

"Accordingly, the exception implies that the sharīʿah would tolerate a deal in which goods were more valuable than the price, or vice versa, or where a deal was done because the trader had made his goods seem beautiful and attractive, using rhetorical flourishes—but without adulteration, cheating or deception—as happens in many cases, or because of other similar reasons. All this is wrongful trade, but the sharīʿah has allowed it, giving the traders some latitude and indulgence. Otherwise, none would have gone into trading profession, and the social system based on religion would have been disturbed."

Comment: Its incorrectness is clear from the afore-mentioned explanation. *al-Bātil* (wrong; void), as understood by scholars of the language, is that which does not lead to the desired effect. What is the desired effect of sale or trade? It is to exchange the goods and price and reciprocally transfer their possession from the buyer to the seller and vice versa. This fulfills the needs of both parties and each gets through this deal what he wants. This effect is achieved when both goods and price are equal as well as when there is some difference—if the deficiency is compensated with some other factor, e.g., the longing of the buyer to acquire that item, or his apprehension in case he does not purchase it, or some other benefits found in it.

We know that some such factors are involved, when both parties agree to the deal; and after the agreement, the exchange is not counted as wrong or void.

Moreover, no one familiar with the Qur'anic style can ever doubt that it is impossible for the Qur'an to order and ordain a thing after counting it as void and wrong. God has praised the Qur'an that it: *guides to the truth and to a right path* (46:30). How can something guiding to wrong and vain be called a guide to the truth?

Also, this interpretation implies that a man is rightly guided by nature, for fulfilment of his needs, to the exchange of goods; then he is rightly guided in the same manner to the exchange through comparison between the goods and the price; then what he has been rightly guided to, cannot rightly fulfil his needs until some portion of falsehood and wrongfulness

is added to it! How is it possible that nature is guided—rightly—to something which is not sufficient to fulfil its needs? A thing which can only partially satisfy its demands? How is it possible for the nature to be rightly guided to falsehood? Is there any distinctive factor between truth and falsehood except the same guidance or absence of guidance? Keeping all these aspects in view, there is no alternative for a man, who takes the exception in this verse as jointed, but to say that the clause, "by wrongful means", is just an explanatory one.

Even more strange is the following explanation which someone has reportedly written: "This disjointed exception indicates that all that is in this world—be it trade or some other similar thing—is just vain and void, because it is not ever-lasting, not enduring. A wise person should not involve himself in worldly affairs lest he neglects preparation for the next world which is far better and more abiding than this life."

Comment: This too is wrong. If it is accepted, then it will be a point in favor of taking it as a jointed, not disjointed, exception. Moreover, such spiritual realities may be suitable for the explanation of the verses as the following: *And this life of the world is nothing but a sport and a play; and as for the next abode, that most surely is the life* (29:64); *What is with you passes away and what is with Allah is enduring* (16:96); *Say: "What is with Allah is better than sport and (better) than merchandise"* (62:11). But in the context of the verse under discussion, applying such points would mean legalizing of wrongful things. The Qur'an is too sublime to allow wrongfulness by any means.

... and do not kill yourselves ...: Apparently the sentence prohibits suicide. Yet, it comes after the words, *do not swallow up your property among yourselves,* which obviously treat the whole community of the believers as one individual being who owns a property which he should eat by other than wrongful means. This conjunction may imply, or clearly show, that the word, "yourselves", refers to all members of the believing society, taken as one individual, each individual's soul is the other's. In such a society, man's life is his own, and also others' lives are his own. Whether he kills himself or kills someone else, he actually destroys his own self. Seen in this light, the sentence, "do not kill yourselves", will have a general import, covering suicide and murder both.

It may be inferred from ending clause, "surely God is Merciful to you", that the above prohibition of killing oneself covers also the situations where man puts his life in danger, or commits such acts as might

result in his being killed. Obviously, the reasoning—Mercy—given for the prohibition is more agreeable to this meaning. It will increase the scope of the verse. This appropriateness supports the view that the end clause gives only the reason of the order, "do not kill your selves".

وَمَنْ يَفْعَلْ ذَٰلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصْلِيهِ نَارًا ۚ وَكَانَ ذَٰلِكَ عَلَى اللَّهِ يَسِيرًا ﴿٣٠﴾

(4:30) ***And whoever does this in aggression and injustice, We will soon cast him into fire; and this is easy to Allah.***

al-ʿUdwān literary means exceeding—whether it be lawful and praiseworthy or unlawful and blameworthy. God says: *then there should be no hostility* (ʿudwān) *except against the oppressors* (2:193); *and help one another in goodness and piety, and do not help one another in sin and aggression* (5:2). Accordingly, its use is more general than 'injustice'. In this verse it connotes exceeding the limits laid down by God. *Nuslihi nāran* (We shall burn him into fire).

The verse, unlike the preceding one, addresses the Messenger of God, not the believers, because it contains the demonstrative pronoun *dhālika* (translated here as 'this') [and it, in its turn contains the second person singular pronoun, *ka*]. It implies that whoever among them does so—and they are one soul, one self, and a person should not try to destroy his own self—he is not a part of the believing community; therefore the believers should not be addressed when his punishment is pronounced; the Messenger of God is therefore the proper addressee, because God speaks to him on all subjects concerning the believers as well as the unbelievers. Also, that is the reason why the sentence is general (*And whoever does this in aggression* ...), and not specific, i.e., it does not say, whoever among you does this ...

The ending clause, "and this is easy to God", supports the view that the demonstrative pronoun, 'this', here refers to the prohibition of killing people; because the end of the last verse, *surely Allah is Merciful to you,* was more appropriate to that prohibition, and the two ending clauses are very much in agreement with each other. Apparently the connotation is this: It is a mercy from God that He forbids you to kill your own selves; otherwise it would be very easy for Him to punish a murderer by casting him in fire.

Even then, it is not very difficult to take both—the reasoning of the

first verse and the threatening of the second—as related to both prohibitory orders of the first verse, i.e., not eating a property by wrongful means and not killing.

Someone has said that the reasoning and the threatening both, or at least the threatening, refers to all the prohibitions from the beginning of the chapter to this verse. Some others have said that it refers to all prohibitory orders beginning from the verse 19 of this chapter (*O you who believe! it is not lawful for you that you should inherit women against* [their] *will*); because nowhere else in these verses any punishment is pronounced for contravention.

Comment: There is nothing to give credence to such views.

The style has been changed twice in this verse. The first verse ended on the words: *surely Allah is Merciful to you,* which referred to God as a third person. Then comes the clause: *We will soon cast him into fire,* where the Almighty speaks in first person. This change is related to the earlier mentioned change, as now the talk is addressed directly to the Prophet, and not to the believers. Finally, it again reverts to the third person: *and this is easy to Allah;* this is done to describe the reason of this statement—This is easy to Him because He is God.

almizan.org

Examining Narrations

(1) al-Ṭabrisī says in *Majmaᶜ al-Bayān* about the words of God, *by wrongful means,* that there are two explanations given for it, one of which says that it means: usury, gambling, paying less than fair price, injustice. And he says that this meaning is narrated from al-Bāqir.

(2) al-Bāqirand al-Sādiq have said that it means gambling, forbidden deals, usury and (false) oaths. (*Nahj al-bayān*)

(3) Asbāt b. Sālim has said: "I was with Abū ᶜAbdillāh. A man came to him and said: 'Tell me about the words of God, *O you who believe! do not swallow up your property among yourselves by wrongful means*.' He said: 'He refers here to gambling. And as for the words, *and do not kill your selves*, He refers by it to a Muslim who attacks polytheists on his own, and enters their camps and is killed. So, God has forbidden them to do so.' " (*al-Tafsīr,* al-ᶜAyyāshī)

Author's comments: The verse is general and covers all unlawful ways of swallowing up. Gambling and other similar things have been mentioned

only as examples. In the same way, what has been said in explanation of killing oneself, actually enlarges the circle of prohibition instead of reducing it; it does not limit the meaning to the given example.

(4) Ishāq b. ʿAbdillāh b. Muḥammad b. ʿAlī b. al-Husayn has said: "al-Hasan b. Zayd narrated to me, from his father, from ʿAlī b. Abī Tālib that he said: 'I asked the Messenger of God concerning the splints that are put on broken (bones); how should such a man perform *wudūʾ*? And how will he take bath if he is in a state of major ritual impurity? He said: "It is enough for him to wipe his wet hand on it in the ritual bath and *wudūʾ* both." I said: "If there is cold and he is afraid about his self (i.e., health, or life), if he poured water on his body?" Then the Messenger of God recited: *and do not kill your selves; surely Allah is Merciful to you.*' " (*ibid.*)

(5) al-Sādiq has said: "Whoever intentionally kills himself, he shall enter the fire of hell, abiding therein for ever. God, the High, has said: *and do not kill your selves; surely Allah is Merciful to you. And whoever does this in aggression and injustice, We will soon cast him into fire; and this is easy to Allah.*" (*Man lā yahduruh al-faqīh*)

Author's comments: As you see, these traditions generalize the meaning of the words, *and do not kill your selves ...,* as we have already inferred earlier. There are other traditions of similar import.

(6) Ibn Mājah and Ibn al-Mundhir have narrated from Ibn Saʾīd that he said: "The Messenger of God has said: 'Surely, trade is by mutual consent.' " (*al-Durr al-Manthūr*)

(7) Ibn Jarīr has narrated from Ibn ʿAbbās (that he said): "Verily, the Prophet sold (something) to a man; then he said to him: 'Exercise your option.' (The man) said: 'I have opted (for it).' Then (the Prophet) said: 'In this manner (should be) trade.' " (*ibid.*)

(8) al-Bukhārī, al-Tirmidhī and al-Nasāʾī have narrated from Ibn ʿUmar that he said: "The Messenger of God has said: 'The two parties of a sale have the option (to cancel it) as long as they have not separated, or one of them says to the other, "Exercise your option.' " (*ibid.*)

Author's comments: The words of the Prophet, "The two parties of a sale have the option (to cancel it) as long as they have not separated", are also narrated through the Shīʿī chains. The words, "or one of them says to the other, 'Exercise your option'," show a way to ascertain the other party's consent.

Verse 31

The verse is not without some connection with the preceding ones which had mentioned some great sins.

إِنْ تَجْتَنِبُوا كَبَائِرَ مَا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنْكُمْ سَيِّئَاتِكُمْ وَنُدْخِلْكُمْ مُدْخَلًا كَرِيمًا ﴿٣١﴾

(4:31) ***If you avoid great sins which you are forbidden, We will expiate from you your (small) sins and cause you to enter an honorable place of entering***

al-Ijtināb (to avoid, to shun), is derived from *al-janb* ([right or left] side of body); the verb is made from that noun in a metaphorical sense; when man wants to take something, he turns to it with his face and frontal part of the body; and if he wants to avoid or shun it, he turns away from it putting it to his side; thus *al-ijtināb* implies avoidance and shunning. al-Rāghib has said that "It is more eloquent than the word, 'leaving' ". This eloquence comes from its having a metaphorical sense. From the same root come *al-jānib* (side), *al-janbah* (side, region) and *al-ajnabiyy* (foreigner, alien).

al-Takfīr (to expiate, to forgive) is derived from *al-kafr* (to cover, to hide). Generally the Qur'an uses it for forgiveness of sins. *al-Kabā'ir* is plural of *al-kabīrah* (the big one); this adjective has been used in place of a deleted noun which it qualifies, like 'sins', etc. 'Greatness' is a relative idea; it cannot exist without correlation with 'smallness'. That is why the words, "great sins which you are forbidden", imply existence of some forbidden sins which are small. The verse, therefore, shows two things: First, the sins are of two types, great and small. Second, *al-Sayyi'ah* (evil; sin) mentioned in the second clause refers to small sins, because it is put parallel to 'great sins'.

Of course, disobedience and insubordination, of any type, is great when we look at the insignificance of the created and sustained man *vis-a-vis* the greatness of God. But in this case we are making a comparison between man and his Lord, not between one sin and another. There is no

contradiction, therefore, in saying that every sin is great (by one criterion) and that some sins are small (by another criterion).

A sin is considered great if its prohibition has been given much more emphasis than that of some other sins. Probably, the words, "which you are forbidden", imply, or point to, this reality. We may realize the importance of a prohibitory order if its language is severe, or if it has been much emphasized, or is accompanied by a threat of punishment of fire, etc.

... and cause you to enter an honorable place of entering: *al-Mudkhal* (place of entering) is an adverb of place; and refers either to paradise or to a position of nearness to God—although the end result of both is the same.

Great and Small Sins and Expiation of Evils

There is no doubt that the verse, *If you avoid great sins* , confirms the division of sins into two categories: great and small; the latter has been mentioned here as 'evils'. Likewise the verse 49 of Ch. 18 proves this fact: *And the Book shall be placed, then you will see the guilty fearing from what is in it, and they will say: "Ah! woe to us! what a book is this! it does not omit a small one nor a great one, but numbers them (all)"*. Their fear of the book shows that *small one* and *great one* mean small sin and great sin.

As for *al-Sayyi'ah*, looking at its root and paradigm, it signifies a happening or action which brings evil. That is why sometimes it is used for those affairs or misfortunes which cause grief. God says: *and whatever misfortune befalls you, it is from yourself* (4:79); *And they ask you to hasten on the evil before the good* (13:6). Sometimes it is used for consequences and effects of sins in this world and the next, as God says: *So the evil (consequences) of what they did shall afflict them ...* (16:34); *So there befell them the evil (consequences) of what they earned ...* (39:51); this connotation actually corresponds with the first meaning. Also, it is often used for the sin itself, as God says: *And the recompense of evil is punishment like it ...* (42:40). In this sense it is sometimes used for sins in general, and covers great and small ones alike, as God says: *Nay! do those who have wrought evil deeds think that We will make them like those who believe and do good—that their life and their death shall be equal? Evil it is that they judge* (45:21). There are many other verses of the same implication. And sometimes it is used particularly for small sins, as in the verse under discussion: *If you avoid great sins which you are forbidden, We will expiate from you your (small) sins;* because if man avoids great sins, then nothing

remains there except the small ones.

In short, without any doubt, the verse proves that there are two categories of sins: great ones and small ones, when comparison is made between the sins themselves.

Also, there is no doubt that the verse is meant to show the divine grace and favor for the believers; it conveys to them the affectionate message of God that if they avoided some sins, He would expiate from them the other sins. Not that they are encouraged to commit small sins; the verse undoubtedly exhorts them to shun great sins, and if somebody committed a small sin thinking that it was of no importance and that there was no harm in doing it, it would turn that sin into the worst arrogance and transgression, as it would show his disdain to God's command—and that is one of the greatest sins. What the verse implies is only this: The small sins will be forgiven because they are minor slips, and hardly can a man remain free from them, seeing that man has been created weak and ignorant and it is really difficult for him to avoid small errors when he comes under the influence of desire or ignorance. The verse in this respect describes the same reality which the following verse expounds: *Say: "O my servants! who have acted extravagantly against their own souls, do not despair of the mercy of Allah; surely Allah forgives the faults altogether, surely He is the Forgiving, the Merciful: And return to your Lord and submit to Him ..."* (39:53–54). No one can claim that this verse encourages man to commit sins, by opening the door of repentance and comforting them with it. In the same way, no objection can be raised against the verse under discussion. In fact, such verses revive dead hearts by giving them hope in place of despair.

The verse does not imply that it is impossible to identify great sins, and, therefore, one must avoid all sins, lest one commits great ones and falls into perdition. Such interpretation would be far-fetched. The verse implies that the addressees identify the major sins and recognize them from the relevant prohibitory orders. The least that can be said is that the verse obligates people to recognize the major sins in order that they could be on guard against them; at the same time they should not treat small sins lightly, because as you have been told, such attitude in itself is one of the mortal sins.

When man will know the great sins, and recognize and identify them, he will understand that these were the limits put by God, and no one transgressing that boundary would be forgiven unless he showed definite

remorse and sincere repentance. This knowledge in itself will serve as a warning and prevent, him from sinning.

As for the intercession, it is a fact. But you have seen in the preceding relevant discourses that it would not benefit a man who treats divine commands with disdain or takes repentance and remorse lightly. To commit a sin relying on intercession shows indifference and carelessness towards divine orders. This is such a major sin that it definitely closes all the ways of intercession.

The above talk makes clear what we have earlier said that the greatness of a sin is known from severe language of the prohibitory order or from threat of chastisement for it.

This sufficiently throws light on all the views given about great sins. [Many explanations are seen in Islamic books which are given here in short]:

Great sins are those for which God has threatened chastisement in the hereafter and prescribed a fixed punishment in this world.

Comment: Persistence in committing a minor sin is a great sin. The Prophet has said: "No great sin remains with repentance, and no minor sin remains (minor) with persistence." It has been narrated by both sects; but the sharīʿah has not prescribed any fixed punishment for it. The same is the case with being friends with unbelievers and eating up interest, although these two are among the greatest sins forbidden in the Qur'an.

Great sins are those for which God has threatened punishment of fire in the Qur'an. (Some have added, "and in the traditions.")

Comment: This criterion is neither all-inclusive nor exclusive.

All those sins are great which show the doer as being indifferent to religion and heedless to the sharīʿah. This has been said by Imām al-Haramayn and appreciated by al-Rāzī.

Comment: This is called transgression and rebellion; and it is one of the mortal sins. There are many other mortal sins (even if they are not committed with obstinacy) like eating up an orphan's property, incest, and unlawfully killing a believer.

That sin is great which is forbidden on its own, not because of some incidental concomitants.

Comment: It is in a way opposite to the preceding explanation. But transgression and indifference to the sharīʿah, etc. are among the mortal sins, while they are merely concomitants which turn into mortal sins when they occur with any sin.

The sins mentioned in this chapter [The Women] from the beginning to the end of the verse 30 are great. Probably, the idea is that the words, *great sins which you are forbidden,* refer to the sins mentioned before this verse, e.g., misbehaving with relatives, eating orphan's property, fornication, etc.

Comment: Generality of the verse does not agree with this restriction.

Every deed prohibited by God is a great sin. (This explanation is attributed to Ibn ʿAbbās.) Perhaps it is because disobeying God is a very serious matter, a major transgression.

Comment: You have already seen that the division of sins into great and small is based on their comparison with one another, while this interpretation looks at the status of man, a humble servant, *vis-a-vis* God Who is the Lord of everything. Probably someone may be inclined to this view, thinking that the genitive construction in the clause, *great sins which* [lit., of what] *you are forbidden,* was explanatory. This, however, is not correct; because the implication then would be as follows: If you avoid all sins, We shall expiate from you your small sins. But if one avoids 'all' sins, where will the small sins come from?

If it is said that the verse speaks about expiation of the believers' sins committed prior to its revelation, then it would be exclusively reserved for those who were present at the time of revelation, and it does not agree with generality of the verse.

If the verse is still taken as a general one, it would mean: If you firmly decide to avoid all sins, and then actually avoid them, We shall expiate your previous sins. But it is such a difficult condition that one can hardly find a single example of such fortitude; such a general and comprehensive verse cannot be applied to such a rare occurrence; because human beings are not free from evils and errors except those whom God takes under His especial protection. Think over it.

The small is that sin whose punishment is less than the total reward of its doer; and the great is that whose punishment is greater than the doer's total reward. This interpretation is attributed to the Muʿtazilites.

Comment: It is an interpretation which is supported neither by this verse nor by any other in the whole Qur'an. Of course, the Qur'an says that certain sins cause forfeiture of deeds in certain cases, but it is not a general rule covering all sins—whether or not it is taken in the sense they mean. We have discussed in detail the meaning of forfeiture in the second

volume of this book[1].

They have also said that expiation of small sins is obligatory [on God] when a servant avoids great sins; and that it would not be proper then to mete out any punishment to him. But the verse does not prove this theory either.

Greatness and smallness are two aspects which are found in every sin. A sin is great when committed in disregard or indifference to the divine command; but the same sin is counted as small if done when one is incensed with anger, overcome by desire or frightened by cowardice all this is forgiven if one avoids great sins.

As the above criteria of greatness of sin may be combined under the heading of arrogance and transgression of limits, this explanation may be summarized as follows: Every forbidden sin is great if done with arrogance and haughtiness, otherwise it is small and forgiven if not accompanied with arrogance and haughtiness.

Someone has said: There are, in every evil and every divine prohibition, one or more great sins as well as one or more small sins. The greatest of all, in every sin, is indifference to divine order and prohibition, and disdain of the sharīʿah; it also includes repeatedly committing a sin, because such a person manifests his disrespect to, and carelessness about, divine orders or prohibitions; while God says: *If you avoid the great sins of what you are forbidden*, that is, the great sins which are found in every thing you are forbidden, *We shall expiate from you your sins*, that is, We shall forgive you the smaller aspects of that sin and shall not ask you about it.

Comment: It is correct that every sin done in a manner as to show the doer's arrogance and haughtiness becomes a great sin. But it does not mean that it is the only criterion of the greatness of sins. There is no doubt that some sins are great in themselves even without the aforesaid arrogance, etc. Incest when compared to looking at a stranger woman, and murder in comparison to beating, are great sins—whether there was any arrogance there or not. Of course, if indifference, arrogance or haughtiness accompanied a sin, the prohibition will accordingly increase in severity and intensity; the sin will be even greater and the disobedience even more condemnable. Obviously, fornication under overwhelming influence of lust and ignorance is not like the same when committed arrogantly thinking that there was no evil in it.

---

1 *al-Mīzān* [Eng. transl.], vol. 3. [Trans.]

Moreover, the purported meaning ('If you avoid in every sin its great aspects, We shall expiate from its smaller ones') is in bad taste, not in harmony with the context of the verse: *If you avoid the great sins which you are forbidden, We will expiate from you your (small) sins ;* as will be vouched by anyone who has a little familiarity with literary styles.

Now we come to al-Ghazālī's reported[1] explanation which apparently is a synthesis of the above views; a gist of which is given below:

"Sins are of two types—great and small—when compared with one another. For example, incest with a married woman within prohibited degree *vis-a-vis* looking at a stranger woman. At the same time, some sins become great when they appear with some serious aspects, for example, when a small sin is committed again and again, it becomes great, although to begin with it was not so.

"It shows that sins are divided into two categories—great and small when looked at the actions, *per se,* in comparison with one another. Even so, they are also divided into these two categories when seen in the perspective of their evil effects and consequences—whether they nullify good deeds or merely reduce the rewards. If the evil deeds are stronger or more numerous than the good ones, the former would erase and nullify the latter; otherwise, the evil deed would be wiped off taking with it an equal amount of reward as its indemnity. Every act of obedience has a good effect on the soul; it raises it in rank, and extricates it from darkness of ignorance. Likewise, every disobedience has an evil effect, degrading the soul and pushing it into abyss of remoteness and darkness of ignorance.

"When a man, who has acquired some light and purity through his obedience, commits a sin, then naturally the darkness of sin collides with the light of obedience. If the darkness of sin and consequences of evil overpower the light of obedience, then the latter is extinguished and forfeited. Such a sin is called great. If, on the other hand, the obedience with its light and purity overcomes the darkness of ignorance and dirtiness of sin, by sacrificing an equal amount of its light, then the remaining [albeit diminished] light and purity will continue to brighten and illuminate the soul. This is the meaning of *al-tahābut* (a Muʿtazilite theory that good and evil actions cancel each other); and it is exactly the meaning of forgiveness of small sins and expiation of evil deeds. Such sins are called small.

1 As quoted by Fakhr al-Dīn al-Rāzī in his *tafsīr* (commentary) from al- Ghazālī's *Ihyāʾ al-ʿulūm.* [Auth.]

"Apparently it is not unreasonable to expect some cases where perfect equivalence might be found between evil and good deeds. It means that there may be a man in total abeyance having in his account neither any obedience nor any disobedience—without any light or darkness. But the words of God refute it, as He says: *a party shall be in the garden and (another) party in the burning fire.*[42:7]"

al-Rāzī has refuted it, saying that this explanation is based on the Muʿtazilite tenets which, according to him, are wrong.

The author of *Tafsīr al-manār* in his turn has very severely reproached al-Rāzī on this line of argument. He says:

"When this (that is, division of sins, *per se,* into great and small) is explicitly mentioned in the Qur'an, then is it imaginable that Ibn ʿAbbās would deny it? Not at all. On the other hand, ʿAbd al-Razzāq has narrated from him that he was asked: 'Is the number of great sins seven?' He said: 'They are nearer to seventy.' Ibn Jubayr has narrated that he had said: 'They are nearer to seven hundred.'

"Actually it is the Ashʿarites who are said to deny the division of sins to great and small. Probably those Ashʿarites who were of this view wanted to refute the Muʿtazilites—even if it took some explaining away. This may be seen in the writing of Ibn Fawrak, as he has confirmed the Ashʿarite view and has said: 'All the sins of God are great; it is only relatively[1] that one or the other of them is called great or small. The Muʿtazilites say that sins are of two categories, small and great; but it is not correct.' Then he has written a far-fetched interpretation of the verse.

"Well, should the verses and traditions be explained away, just for opposing the Muʿtazilites? Even in matters where they are right? People are not above such petty mindedness. Religious bigotry and partisanship have prevented many intelligent scholars from using their sagacity for their own benefit and that of their followers, and turned their books into a source of strife for the Muslims. They are too busy with polemical arguments to look at reality of religion. You will soon see how al-Rāzī quotes from al-Ghazālī and then refutes it just for this reason; but where is al-Rāzī from al-Ghazālī, and where is Muʿāwiyah from ʿAlī?" (The last sentences refer to the writings of al-Ghazālī and al-Rāzī which we have quoted earlier.)

---

1 That is, in relation to the intentions with which various sins are committed; it does not refer to comparison between one sin and another. [Auth.]

Be that as it may. What al-Ghazālī has written is sound to a certain extent; still it is not free from various defects and shortcomings:

1) According to him, the division of sins into great and small is based on mutual cancellation or reduction of reward and punishment. Again, he believes that sins are also divided into great and small on their own. But the two divisions do not always correspond. A person has a lot of reward to his credit; then he commits many sins which are known to be great in themselves and they drastically decrease his reward, leaving a small residue in his account. Now he commits a small sin and that cancels out the remnant of his reward. In both cases, what was great by one criterion, becomes small by another; and vice versa. Thus the two divisions are not always identical.

2) It is true that there occurs some collision between the effects of obedience and disobedience in certain cases. But it is not an all-encompassing principle. The hypothetic generality has never been supported by apparent meanings of the Qur'an and the *sunnah.* Let him show if there is any proof whatsoever from the Qur'an and the *sunnah* which could prove general and all-encompassing mutual cancellation and reduction between punishments of sins and rewards of obedience.

As for the detailed discourse about the noble and brilliant spiritual status, and the opposite vile, darkened condition, it is marred by the same defect. True that the spiritual light and darkness usually collide, acting on, and reacting to, each other—thus cancelling out, or reducing the strength of, the opposite force. But this too is not a general non-changing rule. Sometimes, virtue and evil both stay in their places, coexisting with each other, and bringing about a split personality. A Muslim, for instance, eats interest, swallows up people's property, and turns a deaf ear to the cries of an oppressed victim of injustice, and at the same time pays particular attention to obligatory prayers, and entreats his Lord with utmost devotion and humility. Or, another one cynically sheds blood, shamelessly violates people's honor and creates chaos and mischief on the earth, and then very faithfully carries out other religious commands with complete sincerity. It is the phenomenon the psychologists call schizophrenia or Jekyll and Hude syndrome, in which various opposing trends fight each other to gain the control of a man's psyche; the man is continually distracted by this inner turmoil—until both traits become firmly set in their places and a sort of truce is affected between them: When one trait raises its head, the other disappears from the scene, leaving the field to its rival to stalk its victim,

and pounce on it—as the above examples have shown.

3) It follows from al-Ghazālī's exposition that avoidance of great sins should not have any role in the expiation of small sins. Suppose there is a person who does not commit any great sin: not because he volitionally avoids it even when he has an urge and ability to do it; he rather does not do it only because he cannot do it. His small sins will however be cancelled by his good deeds, because in this case his rewards will be greater than his punishment—and it is exactly what the expiation of small sins means. And, it does not leave any meaningful function for volitional avoidance of great sins.

al-Ghazālī himself has written in *Ihyāʾ al-ʿulūm:* "Avoidance of great sin causes expiation of small sins when one shuns them in spite of ability and urge to do them. For example, a man gets hold of a woman and has a chance of establishing sexual relations with her, and yet he keeps aloof from it and restricts himself to looking or touching her. His inner struggle against his base desire is much more effective in illuminating his heart when compared to the darkness caused by his audacity in looking at her. This is what brings about expiation of small sins. If, on the other hand, he was impotent, or avoided it because of some other inability, or because of fear of the affairs of the hereafter, it would not lead to any expiation. Suppose, someone does not like liquor at all, and would not take it even if it was allowed, then his avoidance of liquor would not expiate the smaller sins which are considered preliminary stages of drinking, e.g., listening to music and songs. Of course, if someone longs to drink liquor and listen to music, and struggles with himself to avoid drinking and restricts himself to the listening to music, then probably his inner struggle to shun the liquor would remove from his heart the darkness brought about by the sin of listening to music. All these are the rules of hereafter."

Again he says in another place: "A darkness rising to the heart cannot be erased except by a light brought in by an opposite good deed and opposites have reciprocal relation with each other. It is therefore necessary that each evil should be erased by a good deed of the same category, in order that it could counteract it. Whiteness is removed by blackness, not by heat or cold. This step by step approach is a sort of favor in erasure of sins; because hope in this way is much stronger, and trust more effective than, for example, in a case when one continues performing only one type of worship—although this too has some role in the said erasure."

These words of al-Ghazālī clearly show that, according to him, only

that avoidance can expiate minor sins which is done volitionally by preventing oneself from a longed for great sin. But his earlier quoted explanation does not necessarily lead to this conclusion.

To sum it up, all that can be said here, relying on the Qur'anic verses, is this: It is true that the good and bad deeds cancel out, or decrease the force of, each other—in certain cases. But there is no evidence to show that every evil affects every good deed in this way, and vice versa. This fact may be appreciated if we look at moral and psychological conditions as they are the best tools for understanding the Qur'anic realities regarding reward and punishment.

As for the great and small sins, you have seen that the verse apparently connotes that, compared with one another, some of them are great and others small. For example, killing an inviolable person unjustly, *vis-a-vis* looking at a stranger woman, or drinking liquor claiming that it was allowed *vis-a-vis* drinking it when overcome by desire—without its having any connection at all with the theory of forfeiture and expiation.

Moreover, the verse, being without any restriction, clearly shows that God has promised him who avoids great sins to expiate all his small sins both, of past and future. Obviously this avoidance implies that every believer should avoid great sins as much as he can, in a way that it would constitute the avoidance in view of his particular situation. It surely does not mean that he should avoid it after first intending to do it and then shunning it. Anyone who has a cursory glance at the list of great sins will undoubtedly realize that the man has not been born yet who would be inclined to commit all of them and also have ability to do so—even if such a case is ever found, it would be so rare as to make it practically non-existent. It would be in bad taste to apply such a general verse to such a rare and imaginary case.

The verse therefore means that whoever avoids the great sins which are within his power and which his heart longs for, (and these are the great sins which he can and does avoid), God will expiate his small sins, whether or not the latter have any reciprocal relation with the former.

Question: Is this expiation, because of avoidance, in the sense that the avoidance, *per se*, is an act of obedience which brings the expiation in its wake, just like repentance? Or is it that when man does not commit sins, then he is left with only his small sins and good deeds, and then the good deeds expiate his small sins? As God says: *surely good deeds take away evil deeds* (11:114). Apparently, the verse (*If you avoid the great sins which you*

are forbidden, We will expiate from you your [small] *sins*), shows that the avoidance has something to do with the expiation. Otherwise, it would have been more appropriate to say that acts of obedience expiate evil deeds (as was said in the verse, *surely good deeds take away evil deeds*); or, that God will forgive small sins whatever they may be; there was no need then of setting forth a conditional sentence.

A sin is great if the prohibitive order is given in a severe language, or if it contains threat of fire or something similar, whether it is found in the Qur'an or *sunnah.* But these criteria are not exclusive.

Examining Narrations

(1) al-Sādiq has said: "Great (sins) are those for which God has imposed (the punishment of) the fire." (*al-Kāfī*)

(2) al-Bāqir has said about the great sins: "Every (sin) which God has threatened to punish with fire." (*Man lā yahduruh al faqīh*)

(3) al-Sādiq has said: "Whoever avoids that which God has threatened (to punish) with fire—if he is a believer—God will expiate his (small) sins from him, and will cause him to enter an honorable place of entering; and the seven great (sins) which impose (punishment of fire) are (as follows): Murder of an inviolable person; disobedience to parents; eating usury; going back to non Islamic places [where one cannot perform his/her Islamic worship] after *hijrah* [that is, after emigration to an Islamic centre]; slandering a married woman (of adultery); swallowing up orphan's property; and fleeing from *jihād.*" (*Thawāb al-aʿmāl*)

Author's comments: There are many Shīʿī and Sunnī traditions which have enumerated great sins, some of which will be given later. Most of them count polytheism as one of the seven great sins, although the above tradition does not mention it; probably the Imām has removed it from this list because it is the greatest of the great sins; and the words, "if he is a believer", point to it.

(4) Abd al-Azīm b. ʿAbdillāh al-Hasanī has narrated from Abū Jaʿfar Muḥammad b. ʿAlī, (who narrates) from his father ʿAlī b. Mūsā al-Ridā (who narrates) from (his father) Mūsā b. Jaʿfar (peace be on them all!) that he said: " ʿAmr b. ʻUbayd al-Basrī came to see Abū ʿAbdillāh Jaʿfar b. Muḥammad al-Sādiq. When he saluted and sat down, he recited this verse: *And those who shun the great sins and indecencies* [42:37]. Then he stopped. Abū ʿAbdillāh said:

'What made you to be silent?' He said: 'I would like to know the great sins from the Book of God.' (The Imām) said: 'Yes! O ʿAmr, the greatest of the great is to ascribe a partner to God, because God, the Mighty, the Great, says: *Surely Allah does not forgive that any thing should be associated with Him* [4:48;4:116]; and He has said: *Surely whoever associates (others) with Allah, then Allah has forbidden to him the garden, and his abode is the fire*; [5:72].

" 'After that comes despairing of God's mercy, because God says: *... surely none despairs of Allah's mercy except the unbelieving people* [12:87];

" 'Then is feeling secure from God's plan, because God says: *But none feels secure from Allah's plan except the people who shall perish* [7:99];

" 'And among (the great sins) is disobedience to parents, because God has counted a disobedient (child) as insolent (and) unblessed, in the verse [quoting Jesus]: *And dutiful to my mother, and He has not made me insolent, unblessed* [19:32];

" 'And among them is killing a soul whom God has given protection to—except with [judicial] authority—as He says: *And whoever kills a believer intentionally, his punishment is hell; he shall abide in it* [4:93];

" 'And slandering married women, because God says: *Surely those who accuse chaste believing women, unaware (of the evil), are cursed in* this world and the hereafter, and they shall have a grievous chastisement. [24:23];

" 'And swallowing the property of an orphan, for He says: (As for) *those who swallow the property of the orphans unjustly, surely they only swallow fire into their belies and soon they shall enter burning fire.* [4:10];

" 'And fleeing from *jihād,* as God says: *And whoever shall turn his back to them on that day—unless he turns aside for the sake of fighting or withdraws to a company—then he, indeed, becomes deserving of Allah's wrath, and his abode is hell; and an evil destination shall it be.* [8:16];

" 'And swallowing interest, because God says: *Those who swallow down interest cannot stand except as one whom Satan has confounded with (his) touch does stand.* [2:275]; and He (further) says: *But if you do (it) not,* [i.e., if you do not forgo the interest],

then be apprised of war from Allah and His Messenger;[2:279];
" 'And sorcery, for God says:... *and certainly they knew that he who bought it* (i.e., sorcery) *should have no share (of good) in the hereafter, ...* [2:102];
" 'And fornication, because God says:... *and he who does this* (i.e., fornication) *shall find a requital of sin; the punishment shall be doubled to him on the Day of Resurrection, and he shall abide therein in abasement.* [25:68–69];
" 'And false oath, for God says: *(As for) those who take a small price for the covenant of Allah and their (own) oaths—surely they shall have no portion in the hereafter, and Allah will not speak to them, ...* [3:77];
" 'And defrauding; God says: ... *and he who defrauds shall bring (with him) that which he has defrauded, on the Day of Resurrection;* [3:161];
" 'And withholding the obligatory *zakāt*, for God says: ... *and (as for) those who hoard up gold and silver and do not spend it in Allah's way, announce to them a painful chastisement, on the Day when it shall be heated in the fire of hell, then their foreheads and their sides and their backs shall be branded with it; this is what you hoarded up for yourselves, ...* [9:34–35];
" 'And false testimony and concealing (true) testimony, because God says: *and whoever conceals it* [i.e., testimony], *his heart is surely sinful;*[2:283];
" 'And drinking liquor, because God has made it equal to idol-worshiping [in the verse 5:90];
" 'And neglecting prayer or any of the things made obligatory by God, because the Messenger of God says: "Whoever neglects prayer intentionally, he goes out from the protection of God and the protection of His Messenger";
" 'And breaking a promise and misbehaving with relatives, because God says (about these): *(As for) those, upon them shall be curse and they shall have the evil (issue) of the abode* [13:25].' "
(Imām al-Kāzim,) said: "Then ʿAmr b. ʿUbayd went away crying out loudly, and he was saying: 'Perished he who spoke by his own opinion and contended with you in virtue and knowledge.' " (*Majmaʿ al-Bayān*)

Author's comments: A hadīth of nearly the same meaning has been

narrated from Ibn ʿAbbās through Sunnī chains. This tradition makes two things clear:

First: The great sins are those which have been very strongly prohibited, either by using forceful language or by threatening with the fire, in the Qur'an or the tradition (as may be seen in the proofs put forward by the Imām). It clarifies the meaning of *al-Kāfi's hadīth,* "Great (sins) are those for which God has imposed (the punishment of) the fire"; and also that of *Man lā yahduruh al-faqīh* and *al-Tafsīr* of al-ʿAyyāshī, that great sins are those which God has threatened (to punish) with fire. The imposition and the threat mentioned in these traditions are general; they may be explicit or implied, in the Book of God or in the *hadīth* of the Prophet.

I think that the same is the import of the interpretation ascribed to Ibn ʿAbbās; and when he speaks about threat with fire he uses it in general terms which covers explicit as well as implicit threat, whether it is found in the Qur'an or the tradition. It is supported by another tradition found in *al-Tafsīr* of al-Ṭabarī, and attributed to Ibn ʿAbbās in which he says: "Great are those sins which God ends with (the threat of) fire, or (His) wrath or curse or chastisement." This also makes it clear that what has been narrated from him in *al-Tafsīr* of al-Ṭabarī and other books that, "Every sin prohibited by God is great", does not give a different meaning of great sins; it merely says that every sin is great when looked at in the perspective of man's insignificance *vis-a-vis* the majesty of his Lord, as was explained earlier.

Second: Some of the preceding and the following traditions give the number of the great sins as eight or nine (as some Sunnī traditions narrated from the Prophet do), or twenty (as seen in this tradition), or seventy (vide some other narrations). This difference reflects the difference in degrees of greatness of sins, as may be seen in the Imām's words in this very tradition, "the greatest of the great is to ascribe a partner to God".

(5) al-Bukhārī, Muslim, Abū Dāwūd, al-Nasāʾī and Ibn Abī Hātim have narrated from Abū Hurayrah that he said: "The Messenger of God has said: 'Keep away from seven mortal sins.' They said: 'And what are they? O Messenger of God!' He said: 'Ascribing a partner to God; slaying the soul that God has forbidden except by right; sorcery; devouring usury; devouring the property of an orphan; turning back (from the enemy) on the day of marching (to battle); and accusing the married believing women (of adultery) while they are unaware (of such false accusation).' "

(*al-Durr al-Manthūr*)

(6) Ibn Hibbān and Ibn Marduwayh have narrated from Abū Bakr b. Muḥammad b. ʿAmr b. Hazm, from his father, from his grandfather that he said: "The Messenger of God wrote a letter to the people of Yemen, which listed obligatory and recommended deeds and indemnity for bodily injuries; and sent it with ʿAmr b. Hazm, who said: 'It was written in the letter, *inter alia,* that the greatest of the great sins near God on the Day of Resurrection is associating someone/something with God; killing the soul of a believer without right; fleeing (from war) on the day of marching (to battle); disobeying the parents; slandering a married woman; learning sorcery, devouring interest; and devouring the property of an orphan.' " (*ibid.*)

(7) ʿAbdullāh b. Ahmad has narrated in *Zawāʾid al-zuhd,* from Anas that he said: "I heard the Prophet saying: 'Well, surely my intercession is for those of my *ummah* who might have done great sins.' Then he recited the verse, *If you avoid the great sins which you are forbidden, We will expiate from you your (small) sins ...*" (*ibid.*)

almizan.org

almizan.org

Verses 32–35

The verses are connected with the preceding laws of inheritance and marriage; they reinforce the preceding rules and promulgate some general principles that would effect reconciliation in some cases of strained relationship between husband and wife.

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَىٰ بَعْضٍ ۚ لِلرِّجَالِ نَصِيبٌ مِمَّا اكْتَسَبُوا ۖ وَلِلنِّسَاءِ نَصِيبٌ مِمَّا اكْتَسَبْنَ ۚ وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ ۗ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ﴿٣٢﴾

(4:32) ***And do not covet that by which Allah has made some of you excel others; men shall have the benefit of what they earn; and ask Allah of His grace; surely Allah knows all things.***

Coveting is to say: 'Would that this were like that'. Such words are called coveting because they describe the covetousness hidden in the heart. It is an exclamatory construction that shows a psychological attitude as when one loves something which is difficult or almost difficult to obtain, whether one declares it in words, or not. Obviously, the verse forbids people to covet the extra bounties granted to others—that bestowal of additional bounties is the cause of covetousness. But one should not attach oneself to those who enjoy such abundance; rather a man should attach himself to God, asking Him to bestow on him such bounties from His treasures. Obviously, the 'extra bounties' specifically refers to the special rights granted to a particular group—men or women by the divinely ordained law; for example, man has been given the right to marry more than one wife, and gets a double share in inheritance, while woman is entitled to receive her dower and maintenance from her husband.

Coveting such rights exclusively given to a particular sex has been forbidden in order to completely uproot the tree of evil and disorder. These bounties are coveted by human beings because by nature they love such things and try to achieve and obtain what others have got. At first, it is just a desire and covetousness. When it continues for some time, it changes into hidden envy. When the envy takes root in the heart it shows

itself in talk and action. When many people suffering from this disease join together, they cause disorder on the earth and destroy the tilth and the stock.

Also, it shows that this prohibition is of advisory nature, not a legislative order; it aims at safeguarding the preceding legislated regulations.

The verse ascribes the bestowal of bounties to God; also both groups have been described as "some of you over the others". The aim is to awaken their submissiveness to God's decrees because they believe in Him, and to strengthen their mutual love by reminding them that the receiver of the coveted bounty is not some alien body; but an integral part of him/her.

... men shall have the benefit of what they earn and women shall have the benefit of what they earn: al-Rāghib has said:

> *al-Iktisāb* (to earn) is used for what a man earns or acquires for himself; while *al-kasb* (to earn) denotes what he acquires for himself or for someone else...

[This verse uses the former verb; and] it appears from the above that this sentence explains the preceding prohibition of coveting and describes its underlying reason. That is, you should not covet these things because this excellence, found exclusively with one or the other group, has been granted because that group has earned it through natural traits or physical diligence. For example, men and not the women, have been allowed to marry up to four wives, because men's place in human society demands it—to the exclusion of women. The same is the reason of their having been allotted double shares in inheritance. Likewise, women have been given half of men's shares in inheritance, while the responsibility of their maintenance is put on men's shoulders and they have exclusive right to take dower—all this because women's position in the society demands it. Also, whatever wealth is earned by one group—by trade or in other ways—is exclusively reserved to it; and God does not want injustice to His servants.

It is now clear that the 'earning' mentioned here actually means a sort of acquisition and reservation; it makes no difference whether this happens through voluntary activity (e.g., handcraft or business;) or otherwise. What is important is that the person concerned has some characteristic which entitles him/her to that excellence; for example, the person's being male or female which makes him/her entitled to a certain fixed portion in inheritance.

Philologists have opined that the verbs, *al-kasb* and *al-iktisāb,* both

are reserved for what a person acquires through voluntary action; even so, they say that the basic element in their meaning is 'acquisition'. It may be said that 'He has earned fame by his beauty.' Some exegetes have explained the verb in this verse in the same meaning. It may be said that the verb, *al-iktisāb,* in this verse has been used in this meaning by way of simile or extended simile.

In any case, the verb here cannot be restricted to what man acquires by his own efforts; because it would then mean: Men shall have benefit of the wealth they earn for themselves through their activities; and so shall the women. It would be a prohibition of coveting what other people have acquired through craft and production. This meaning is correct in itself, but the verse cannot be confined to it; otherwise it will have no relevance to the preceding verses of inheritance and marriage.

However, the correct meaning of the verse is as follows: Do not covet the financial and non-financial advantages and excellence which God has exclusively given to either men or women, and has thus given some of you excellence over the others; this bounty has been given to the concerned group because it has acquired and proved its entitlement by its psychological traits or physical activities (like trade, etc.); so it shall have its benefit, and every body shall have the benefit of what he or she has acquired.

... and ask Allah of His grace ...: When one bestows something on someone else, usually it is a surplus which the bestower does not need himself, that is why it is called *al-fadl* which is translated here as `grace' but literally means surplus. God has ordered people to turn their faces away from the bounties bestowed on others. But the desire of excellence in life and livelihood—rather, love of monopolizing it and surpassing all fellow beings in this respect—is an inseparable human trait. Therefore, the Qur'an tells them to look towards God Himself and to ask Him for His grace. They should turn away from what the others have got and look towards God to ask for His grace; the grace is in God's hands, and it is He Who has given everyone his or her excellence; He alone can give you the means to surpass others—the others whose bounties you desire and whose excellence you covet.

The grace to be asked for has been left vague by adding the preposition 'of' before it. It has two implications:

1) It teaches the manner of invocation and prayer addressed to God. Man is basically ignorant of what would benefit—or harm—him in the long run, while God is aware of what would in reality be beneficial or

harmful to His creatures, and He has power over all things. Therefore, it is only proper to ask Him for the best in what the invoker desires; he should not go on specifying what he wants and how should it reach him. Many times we have seen someone with intense desire of some things like wealth, child, honor or health; he was persistently praying for it, fixing his eyes on that goal; but when his prayer was answered and his desire fulfilled, it brought nothing but destruction and disaster, nullifying all his life's efforts.

2) It is an indication that one should not ask for something which would be contrary to the underlying divine reason of a certain creative or legislative excellence bestowed. It is imperative that one should not ask of the excellence exclusively reserved for others. If men ask the bounty given to women, or vice versa, and God grants their prayer, the underlying reason would be negated and the laid down laws and regulations nullified. Think it over.

When man prays to God for one of his pressing needs, he should not ask Him for what is given to other people; rather he should ask Him from what is in His hands; even then he should not teach his Lord what is good for him, nor how should that benefit be brought to him. The only proper way is to ask God to fulfil his need in a way He deems best.

The concluding sentence, *surely Allah knows all things,* explains the reason of the preceding prohibition: You should not covet the bounties which God has bestowed on others; God knows everything, He is not unaware of underlying reasons, nor does He make error in His decisions.

A Qur'anic Reality

Difference in men's aptitudes and abilities in acquisition of the life's advantages is based on natural creative phenomenon which inevitably brings about differences in the lives' grades. And, as far as we know, this phenomenon has always been evident in human societies from the earliest times to this day.

In ancient times strong people subjugated weaker persons, using them according to their whims to fulfil their desires without any restraint or hindrance. The poor wretched had no choice but to submit to their orders, and to do as their 'masters' required them to do. But their hearts overflowed with rage and hatred, and they always waited for a chance to throw away that yoke. This system continued in history changing its appearance from time to time, beginning from sheikhdom and ending on monarchy

and imperialism.

At last, human beings succeeded, through rising after rising, in bringing down this overpowering citadel of usurpation forcing the rulers to abide by the constitutions and laws made for society's well-being and happiness. On the surface, it puts an end to whimsical rules of tyrants. Human beings were no longer divided into various strata; there was no longer an autocratic ruler to lord over slaves whose rein was in his (master's) hand.

Even so, the tree of disorder and mischief continued to grow—finding another base to spread its roots, appearing in another shape—but the fruit was the same, the result unaltered. There remained the same difference between various classes, based on economic disparity. Some had wealth and riches piled up while others' hands were empty. The two groups were poles apart; the wealthy interfered in all aspects of society, because of their wealth, while the poor had no option but to stand and fight against oppression.

This resulted in appearance of communism which believed in sharing all resources of livelihood, by nullifying private property and taking away all capital from private hands. It said that every individual should enjoy the fruits of his labour, accomplished by his personal expertise. This erased the difference that was based on personal wealth and affluence. But it opened some new avenues of disorder and mischief which were unheard of in previous systems— it totally destroyed the free will of the individual and stripped him of all discretion and choice. But nature does not agree with it nor does human instinct allow it. And how can something continue if nature rejects it and human instinct discards it.

Apart from that, the communism has not removed the basic disorder. Human beings by nature do not like to exert themselves except where there is a possibility of gaining distinction and acquiring honor and position. Remove the element of competition and distinction and you have destroyed the work itself; it will result in negation of human nature.

The communists have tried to remove this basic difficulty by trying to fix the workers' eyes on immaterial distinction and glory. But it has brought the difficulty back *in toto.* If a man does not accept those distinctions as real, he will not try for them; and if he believes in them, it will have the same effect as the material incentive.

Democracy resorted to a strategy to remove the disorder sneaking into it. First, it employed wide spread propaganda to expose the defects of communism. Second, it levied heavy taxes that ate away a greater part

of the profits of business and industry. But it was of no use. Exposition of the defects of their adversaries' system could not block the way of the defects and disorder infiltrating into their own system. Nor could the gathering of most of the profit in the treasury prevent the affluent classes from their luxurious life and the resulting oppression. Now, their strategy is to get power and authority over the collected wealth, instead of personally owning it. They get the same benefits from that money by having authority over it and by managing it according to their wish, as they would have done it if was owned by them outright.

Neither the democrats could cure the disease nor the communists; and there is no medicine after burning.

All this is because the purpose and goal chosen by man for the society leads to the core of mischief and disorder; his adopted goal is enjoyment of material life by all means; and it cannot be divested of its basic conflict and disorder, whatever changes are brought into its appearance.

And what is the way adopted by Islam to uproot this disorder? It has given the man total freedom in all matters to which his nature leads. Then it has brought the two groups nearer by raising the have-nots' standard of life through levying various taxes on the 'haves', and lowering the haves' standard by prohibition of extravaganza and show of affluence that would increase their distance from middle classes; then it has created a balance with unity and good manners, and has diverted people's attention from material distinction to the honor of piety; and taught them to ask God for whatever bounty and excellence they desire.

This is to which the Qur'anic verses points: *and ask Allah of His grace; surely the most honourable of you with Allah is the one among you who is most pious* (49:13); *Therefore fly to Allah* (51:50). We have already explained that by turning their faces towards God people would inevitably hold fast to the real and genuine causes for their desired goals without resorting to lethargy in earning their livelihood or laziness in getting at their happiness and bliss. Strangely enough, some people say that Islam is a religion of idleness which discourages man from acquiring material benefits in life. Such assertion is totally off the mark and shows ignorance of the speakers.

This is a short note on this subject; and we have written in detail on various points of this subject in various discourses of this book.

وَلِكُلٍّ جَعَلْنَا مَوَالِيَ مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ ۚ وَالَّذِينَ عَقَدَتْ
أَيْمَانُكُمْ فَآتُوهُمْ نَصِيبَهُمْ ۚ إِنَّ اللَّهَ كَانَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا ﴿٣٣﴾

(4:33) ***And to every one We have appointed heirs of what parents and near relatives leave, and those with whom your right hands have ratified agreements; so give them their portion; surely Allah is a witness over all things.***

al Mawālī (translated here as 'heirs') is plural of *al-mawlā* which is synonymous to *al-waliyy*, although mostly it is used for some particular cases of *al-wilāyah* (rule, sovereignty, friendship, authority). For example, a slave's master is called his *mawlā*, as he has authority over him; a helper is called *mawlā*, because he manages the affairs of the helped one; an uncle's son is called *mawlā* as sometimes he acts as guardian of his uncle's daughter in matters of marriage. Most probably it is an infinite verb beginning with *mim* or an adverb of place, indicating a person having in him some kind of authority—as today we say 'government' or 'court' and mean the ruler or the judge.

al-ʿAqd (to tie) is opposite of *al-hall* (to unite); *al-yamīn* is opposite of *al-yasār* (left hand); *al-yamīn* means right hand, and is also used for oath; it has some other meanings also.

The verse follows the preceding one: *And do not covet* ..., having the same context, and contains the admonition to give due share to every one who is entitled to it, and declares that God has appointed for every one heirs in all that is left by parents and near relatives. It shows that this second verse, in conjunction with the preceding one, gives a gist of all the rules and laws laid down by the verses of inheritance; and sums up the detailed regulations. It is not unlike the verse: *Men shall have a share of what the parents and the near relatives leave* ... [4:7] which, coming before the verses of inheritance stated a general principle which served as the basis and referring point of the inheritance laws.

It follows that the heirs and the inherited ones (summed up in the verse) would refer to those who have been described in detail in the verses of inheritance. Thus, *al-mawālī* would refer to all who have been enumerated as heirs in those verses, like children, parents, brothers, sisters and so on.

Also, the three categories mentioned here—parents, near relatives and those with whom your right hands have ratified agreements—will apply to the three categories mentioned in the verses of inheritance, that is, parents, near relatives and husband and wife. Thus the phrase: *those with whom your right hands have ratified agreements*, would refer to the

husband and the wife.

The meaning, therefore, will be as follows: And to every one of you, whether male or female, We have appointed heirs to inherit whatever property you leave behind. The preposition *min* is translated here as 'of') may also mean 'from'; in that case it would be connected with 'heirs', i.e., inheritance originates from the property; it may alternatively be connected to a deleted but understood verb, 'they shall inherit', i.e., the heirs shall inherit from what you leave. What they leave refers to the property left by the deceased relatives—the parents, the near relatives and the husband and wife.

The phrase, "and those with whom your right hands have ratified agreements", alludes to husband and wife; it was a custom to shake hands at the conclusion of an agreement or deal; it was as though it was their right hand which had concluded the deal and ratified it. The meaning, therefore, will be as follows: those with whom you have established material relationship through formula of marriage.

"So give them", that is, to the heirs, "their portion", which has been described in the verses of inheritance. The conjunction, 'so' connects the sentence with, and bases it on, the sentence, "And to every one We have appointed heirs ...". The order to give them their share has been further emphasized by the concluding sentence, *surely Allah is a witness over all things.*

The above is the most appropriate of the meanings given by the exegetes. [The following are examples of some unsuitable explanations given by them:]

Some have said that *al-mawālī* (heirs, relatives, etc.) refers to agnates other than the heirs who are more entitled to the inheritance. But the wording of the verse does not support this view.

Also it has been said that *min* (from, of) in *mimmā tarak* is explanatory, and refers to the heirs, that is, to every one We have appointed heirs who shall inherit him, and they are those whom he has left behind, that is, the parents and near relatives.

Further it is said that the phrase, "those with whom your right hands have ratified agreements", refers to the allies. In the pre Islamic days, a man used to make agreement with another, saying: 'My blood is your blood, my war is your war, my peace is your peace; and you shall inherit me and I shall inherit you; and you shall pay blood money for me and I shall pay blood money for you.' Such an ally used to get one-sixth of the estate of

his deceased ally. According to this interpretation, the sentence will be disconnected from the preceding one, and would mean, 'give the allies their one-sixth share'. And then it will have to be treated as abrogated by the verse: *and the possessors of relationship are nearer to each other in the ordinance of Allah* (8:75).

But some say that, "so give them their portion", means that they should be helped, advised and given material assistance; it does not refer to inheritance. In that case there will be no abrogation in the verse.

Some others claim that the phrase refers to those whom the Prophet had declared to be 'brothers' to each other in Medina, and they inherited from each other, until the system was abrogated by the verse of inheritance.

Still others have said that it refers to those who were adopted as sons in the era of ignorance. According to them, this verse exhorts the Muslims to bequeath something to them, as it advises to give them their portions.

None of these meanings is supported by the text or the context of the verse, as any thoughtful scholar may realize; and that is why we see no need to rebut them.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَىٰ بَعْضٍ وَبِمَا
أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِلْغَيْبِ بِمَا حَفِظَ
اللَّهُ ۚ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ
وَاضْرِبُوهُنَّ ۖ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيًّا
كَبِيرًا ﴿٣٤﴾

(4:34) ***Men are the maintainers of women because of that with which Allah has made some of them to excel the others and because of what they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and (as to) those on whose part you fear recalcitrance, admonish them, and leave them alone in the sleeping places, and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great.***

al-Qayyim (one who looks after the affairs of another person); *al-qawwām* and *al-qayyām* give the same meaning in its highly emphasized form. The clause, "that with which God has made some of them

to excel the others", refers to the natural characteristics of man in which he excels the woman; men have much greater judicious prudence than women, and consequently they are much stronger and braver and more capable of performing strenuous tasks requiring intrepidity and forbearance; while women's life is dominated by feelings and emotions and based on gracefulness and delicateness. The next phrase, "what they spend out of their property", refers to the wealth which men spend on women's dower and maintenance.

The generality of these causes shows that the resulting principle, "Men are the maintainers of women", is not confined to the husbands. In other words, it does not say that man is the maintainer of his wife; rather it gives authority to the men, as a group, over the whole group of women, in the common affairs which effect lives of both sexes on the whole. The general social aspects which are related to man's excellence as, for example, rulership and judiciary, are the things on which a society depends for its continuance. It is because of the prudence and judiciousness which are found in men in a higher degree than in women. Likewise, the fight and defence depend on strength and far-reaching strategic planning. In such affairs men have authority over women.

Consequently, the order, *Men are the maintainers of women*, is totally unrestricted and comprehensive, while the next sentence, *the good women are therefore obedient* ..., is apparently restricted to the relationship between a man and his wife, as will be explained later on. This next declaration has branched out from the above general principle; but it does not restrict its generality in any way.

... the good women are therefore obedient, guarding the unseen as Allah has guarded: *al-Salāh* (merit, virtue, goodness); *al-qunūt* (abiding obedience and submission). Its place, opposite to, *those on whose part you fear recalcitrance,* shows that "the good women" means good wives; and that it is applied to them during continuance of matrimony, not before or after that; and that the sentence, "the good women are therefore obedient ...",—which gives an order in the form of praise, and means that they should be obedient and should guard ...—is an order related to matrimonial affairs and domestic life. Even so, it is a command whose scope of jurisdiction depends on its basic cause—the man's maintaining the woman by virtue of marriage. It is therefore incumbent upon her to obey him and guard their mutual or conjugal affairs.

Let us explain it further. Men as a group have authority over women

as a group in those common affairs which have more affinity with man's enhanced prudence and hardiness, that is, rulership, judiciary and war; but it does not negate the independence of woman in her individual will and activities, she decides what she wants and acts as she wishes and man has no right to interfere in any way—except when she intends to do something unlawful. In short, there is no restriction on them in whatever they want to do for themselves in a proper way. In the same way, husband's authority over the wife does not mean that she has lost control over her own self or property or is restricted in her will or action regarding its management; nor does it mean that woman is not free and independent in safeguarding and protecting her personal and social rights, nor is she hindered from adopting suitable means to achieve those rights. Rather it means that when the husband spends his wealth on her in return for conjugal rights, then she must obey and submit to him in all things connected with sexual intercourse (when he is present), and protect him in his absence—she should not betray him behind his back by having unlawful affairs with another man. Also she should not deceive him concerning the property which he gives her by virtue of matrimony as a partner in domestic life.

The sentence, "the good women are therefore obedient ..." means that they should achieve goodness for themselves; then inevitably they would be obedient. In other words, they are obliged to submit to their husbands and obey them without fail in all matters pertaining to conjugal relations. Also they must safeguard their interest in all their rights during their absence.

Apparently the word *mā* in *bimā* (translated here with 'as') in the clause, "as God has guarded", has the import of infinitive verb, and *bi* implies instrumentality. The meaning therefore will be as follows: The good women are obedient to their husbands and guard their interest in their absence, through the husband's rights which God has preserved by giving him the authority and obliging the wives to obey them and guard the unseen for them.

Alternatively, the letter *bi* may imply exchange. Then it will mean that the wives are obliged to obey and guard the unseen in exchange of the rights which God has bestowed on the wives, as He has given a new life to them in human society and has obliged the men to pay them dower and maintenance. But the former meaning is more obvious.

Some other meanings have been given by exegetes, but it is not necessary to mention them as none of them is supported by the context.

... and (as to) those on whose part you fear recalcitrance, admonish them, and leave them alone in the sleeping places, and beat them: *al-Nushūz* (disobedience, refusal to submit); fear of recalcitrance connotes appearance of the signs of disobedience. The order is based, not on disobedience, but on its fear. It is in order that the man should keep the admonition at the level suitable at a particular stage, because admonition has its place at the beginning of recalcitrance as well as at the appearance of its signs—[but with less intensity].

The three remedies—admonition, leaving them alone in the sleeping places and beating[1]—have to be applied one after another in that sequence, although they have been mentioned together, joined with the conjunctive 'and'. First comes admonition; if that fails, then leaving her alone in the sleeping place; if that too proves ineffective, then the beating. This gradual process is inferred from the sequence wherein these remedies are increasing in intensity from leniency to severity. In short, this graduality is inferred from the context, not from the conjunctive 'and'.

It appears from the words, "leave them alone in the sleeping places", that he is not asked to sleep in a separate bed, but he should show his displeasure by turning away from her and not touching her, etc. It is far-fetched to believe that it means leaving her bed altogether. The meaning given by us may be supported by the fact that "sleeping places" has been used in plural; apparently there was no need of the plural if the latter meanings were intended.

... then if they obey you, do not seek a way against them: That is, if they are obedient to you, then do not be on look out for excuses to trouble them. Why? Because, *surely Allah is High, Great.* Greatness and grandeur is reserved for your Lord; do not be deceived by your power and strength nor use it in oppressing your wives, thinking yourselves too high and superior.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ
يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا ﴿٣٥﴾

1 This is one of the verses that the opponents of Islam and proponents of women's rights have singled out in order to invalidate the ordinances of the Qur'an. The literal and apparent meaning of the word *yaḍribuhunna* used in the verse is "strike them" or "beat them" but the word has other meanings and the correct and appropriate meaning should be applied to conform to the verse contextually and according to the broader Qur'anic teachings. [Pub.]

(4:35) ***And if you fear a breach between the two, then appoint a judge from his people and a judge from her people; if they both desire agreement, Allah will effect harmony between them; surely Allah is Knowing, Aware.***

al-Shiqāq (breach, enmity). God has ordered to appoint two Judges, as it would reduce the possibility of injustice and arbitrariness. If the husband and wife both desire reconciliation, without obstinacy and obduracy, God will create harmony between them. When both parties divest themselves of power, and entrust the two judges with the responsibility of effecting harmony, then reconciliation is bound to follow.

The verse attributes effecting of harmony to God, although there happens to be a normal cause, that is, the parties' willingness to be reconciled and their acceptance of the judges' decision. It is because God is the real cause; it is he who relates causes to effects, and gives everyone his right. The speech ends with the sentence, "surely God is Knowing, Aware;" its appropriateness is self-evident.

A Discourse on Men's Authority Over Women

It is not secret that the noble Qur'an puts great emphasis on healthy human intellect, and prefers it over desire and pleasure seeking. It does not encourage people to follow their excessive passions and emotions. It exhorts man to follow the path of reason, and admonishes him to guard this divine gift, lest it be lost. This Qur'anic reality is well-known and needs no bookish proof; there are a lot of verses that point to it explicitly and implicitly, in various way and different words.

Even so, the Qur'an has not neglected good and pure feelings and emotions, nor has it turned its eyes from their important and beautiful effects which help man to properly build his self, and which in its turn gives strength to the society. For example:

... severe against the unbelievers, compassionate among themselves;. (48:29)

... that you may find rest in them, and He put between you love and compassion;. (30:21).

Say: "Who has prohibited the embellishment of Allah which He has brought forth for His servants and the good provisions?" (7:32)

Yet He has balanced it by requiring it to conform with the demands of intellect; thus by following such feelings and emotions, one would in

fact be following the intellect.

It has been explained somewhere earlier that it is because of the protection which Islam accords to the intellect (by basing all its ordained laws on reason) that it has prohibited all such actions, and forbidden all such conditions, and declared as unlawful all such characteristics, which confuse the intellect in its judgment and cause it to act haphazardly in its implementation, thus making it lose its bearing in the society's affairs; for example, liquor, gambling, fraudulent deals, lies, slander and backbiting.

This much is enough to convince a thoughtful scholar that as far as the broad issues and general social aspects—like rulership, judiciary and war—are concerned, they have to be controlled by intellect, free from the influence of emotions and feelings. Thus they have to be entrusted, not to women but, to men who are governed more by intellectual power than emotional feelings.

And this is what God has ordained, when He says: *Men are the maintainers of women;* and the prophetic pronouncements, being the expositions of the Qur'anic principles, establish its factuality; and the Prophet followed this principle throughout his life; he did not appoint any woman as a ruler or governor of any people, nor did he give her any judicial post, nor were they called upon to participate in any war, i.e., to actively fight in it.

As for other aspects of life, like learning, teaching, trade deals, nursing, medical profession, etc.—the tasks which are not hindered by emotion and feeling—the Prophet's *ahādīth* (traditions) do not prohibit it, and the Prophet himself had allowed many of it. The Qur'an too is not without some hint to its being lawful for the women, because it is a necessary concomitant of the freedom of will and action which women have been allowed in many aspects of life. They have been removed from man's guardianship, and given independent right of owning property and wealth; then how can they be stopped from managing that property and developing it in a way they think fit. Likewise, it would be meaningless to give them the right to lodge a case or to give evidence in a case and then to forbid them to appear before a judge or magistrate. And so on and so forth.

Of course, their freedom will cease if it collides with the husband's right. She is duty-bound to obey him in his presence and protect his interests in his absence, and any right of hers which stands in the way of his rights will cease to exist.

Examining Narrations

(1) The author of *Majmaᶜ al-Bayān* explains the verse, *And do not covet that by which Allah has made some of you excel others,* in these words. "One should not say, 'Would that the bounty and the beautiful woman which that man has got were for me'; for it would be jealousy; but one is allowed to say: 'O God! give me similar to that'." Then he has written that it has been narrated from Abū ᶜAbdillāh.

Author's comments: al-ᶜAyyāshī too has narrated this tradition in his *al-Tafsīr* from the same Imām.

(2) Ibn Shahrāshūb narrated from al-Bāqir and al-Sādiq about the words of God, *That is Allah's grace; He grants it to whom He pleases,* and, *do not covet that by which Allah has made some of you excel others,* that they were revealed about ᶜAlī.

Author's comments: This tradition is based on the principle of the flow of the Qur'an; in other words it points to an application of the verses.

(3) Ibrāhīm b. Abi al-Bilād narrates through his father from Abū Jaᶜfar that he said: "There is no soul but God has apportioned for him his sustenance lawfully which is to reach him with ease and comfort; and He has also shown it (the sustenance) to him alternatively by unlawful means; if he takes something by unlawful means, God reduces it from his apportioned lawful (sustenance); and God has with Him plenty of grace, apart from the two (aforesaid portions of sustenance); and that is the (meaning of the) word of God, *and ask Allah of His grace.*" (*al-Kāfi, al-Tafsīr,* al-Qummī)

Author's comments: al-ᶜAyyāshī has narrated it from Ismāᶜīl b. Kathīr who has reported it from the Prophet. Also the same meaning has been narrated from Abu al-Hudhayl from al-Sādiq. A nearly similar tradition has been reported by al-Qummī in his *al-Tafsīr* from al-Husayn b. Muslim from al-Bāqir.

We have already discussed in the second volume the meaning of sustenance, its apportionment and its division into lawful and unlawful, under the verse, *and Allah provides with sustenance whom He pleases without measure* (2:212)[1].

---

1 This subject is discussed under chap. 3, ver.27: *and Thou givest sustenance to*

(4) Ibn Masʿūd says that the Messenger of God said: "Ask God of His grace, because God loves to be asked." (*al-Sahīh*, al-Tirmidhī)

(5) Ibn Jarīr has narrated through Hakīm b. Jubayr from a man whom he has not named who said that the Messenger of God had said: "Ask God of His grace, because God loves to be asked; and that the best of worship is to wait for ease." (*al-Durr al-Manthūr*)

(6) [al-Shaykh al-Ṭūsī] has narrated through his chains from Zurārah that he said: "I heard Abū ʿAbdillāh reciting, *And to every one We have appointed heirs of what parents and near relatives leave;* then he said: 'He [God] refers [with the word, *mawālī*] to the relatives who inherit, not to benefactors; the most entitled to (the inheritance of) a deceased is the one who is nearest to the womb that connects him to the deceased.'" (*al-Tahdhīb*)

(7) The same author narrates through his chains from Ibrāhīm b. Muhriz that he said: "A man asked Abū Jaʿfar, in my presence, about a person who said to his wife, 'Your affair is in your hand.' [The Imām] said: 'How can it be, while God says, *"Men are the maintainers of women"?* It is nothing.' " (*ibid.*)

(8) Ibn Abī Hātim has narrated through Ashʿath b. ʿAbd al-Malik from al-Hasan that he said: "A woman came to the Prophet complaining against her husband that he had slapped her. The Messenger of God said: 'Retribution.' Then God sent down the verse, *Men are the maintainers of women ...;* so the woman returned without retribution." (*al-Durr al-Manthūr*)

Author's comments: [al-Suyūtī] has narrated it from the Prophet through other chains too. Some of them say that the Messenger of God said: "I wanted one thing but God decided otherwise." Probably it was a case of the woman's recalcitrance; otherwise, the verse, *then if they obey you, do not seek a way against them,* disallows it (the slapping).

Moreover, there is another snag in these traditions' apparent meaning. Apparently the Prophet's word, "Retribution", was an answer to a religious question of the questioner to explain the rule of sharīʿah; it could not be a judgment of a case as the opposite party was not present. If so, then it would mean that the said verse was sent down to show the error of the Prophet in exposition of the law, but it goes against his being sinless. Again, it could not be an abrogation, because it cancelled the law before

---

whom Thou pleasest, without measure, [vide Eng. transl. vol. 5. [Trans.]

it was acted upon. Of course, there were some instances where God had amended some prophetic orders by adding to or deleting from it, but it was only in his administrative orders, not in matters of the law ordained by him for his people; otherwise it would have been an invalid nullification.

(9) Abu al-Jārūd has narrated from Abū Jaʿfar that the word, *qānitāt* means obedient ones.

(10) Abū Jaʿfar has said that, *leave them alone in the sleeping places,* means that man should turn away from her; and *beat them,* means hitting her with tooth brush (*Majmaʿ al-Bayān*)

(11) [al-Kulaynī] has narrated through his chain from Abū Basīr that Abū ʿAbdillāh said about the words of God, *then appoint a judge from his people and a judge from her people:* "The two judges will make a condition that they may decide to separate them if they so wish, and to join them if they so wish. Then if they caused separation it would be lawful and if they joined them it would be lawful." (*al-Kāfī*)

Author's comments: This and nearly similar meaning has been narrated through several other chains in *al-Kāfī* and *al-Tafsīr* of al-ʿAyyāshī.

(12) Ibn Muslim has narrated from Abū Jaʿfar that he said: "The Leader of the faithful gave judgment concerning a woman whom a man had married with an undertaking given to her and her people that she would be [*ipso facto*] divorced if he married another woman and neglected her, or if he took a slave girl in her presence. He [the Leader of the faithful] said: 'The condition laid down by God has precedence over your condition. [It is up to him;] he may fulfil his condition if he so desires; or he may keep this woman and also marry another woman, or take a slave-girl if he so wishes; and then he may leave (this) woman if she comes in his way. God has said in His Book: ... *then marry such (other) women as seem good to you, two and three and four ...* [4:3]; *of those whom your right hands possess* [4:25]; *and (as to) those on whose part you fear recalcitrance, admonish them, and leave them alone in the sleeping places and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great'* [4:34]." (*al-Tafsīr,* al-ʿAyyāshī).

(13) al-Bayhaqī has narrated from Asmāʾ bint Yazīd al-Ansāriyyah that she came to the Prophet and he was (sitting) among his companions. She said: "My father and mother be your ransom! I

have come to you as representative of the women-folk; and you should know, may I be your ransom! that there is no women, be she in the east or in the west who, having heard of my deputation, does not agree with my views.

"Surely God has sent you with truth to the men and the women. We do believe in you and your God who has sent you. We women-folk are confined and under pressure, restricted to your houses, satisfying your sexual urge, carrying your offspring; while you men-folk have got superiority over us by Friday and congregational prayers, visiting sick, attending funerals, performing *hajj* after *hajj*, and, even better than that, fighting in the way of God. Even so, when one of you goes out for *hajj* or *ʿumrah* or camping (for *jihād*), we women guard your properties for you, spin your clothes for you and bring up your properties[1] for you. Then what is our share in reward, O Messenger of God?"

The Prophet turned his face to his companions, and said: "Have you ever heard any woman talking in a better way than this question of hers concerning her religious affairs?" They said: "O Messenger of God! We never thought that any woman would find her way to a (talk) like this." Then the Prophet turned towards her and said: "O woman! Go back and inform those women who are behind you that when one of you behaves nicely towards her husband, and seeks his pleasure and pursues his conformance, then this equals (in reward) to all those activities of men."

The woman then turned back happily saying: *Lā ilāha illa Allah* and *Allahu Akbar*. (*al-Durr al-Manthūr*)

Author's comments: There are numerous traditions of similar import, narrated in the Shīʿah and Sunnī collections of *hadīth.* The most beautiful is the *hadīth* narrated in *al-Kāfī* from Abū Ibrāhīm Mūsā b. Jaʿfar (peace be on both): "Woman's *jihād* is (her) nice behavior towards (her) husband." The most comprehensive is the sentence narrated in *Nahj al-balāghah* that also points to the basic reason of this legislation; and it has also been narrated by *al-Kulaynī* through his chain of narrators from ʿAbdullāh b. Kathīr from al-Sādiq from ʿAlī; and also through his chain from al-Asbagh b. Nubātah from ʿAlī quoting a letter which he had written to his son; "Surely, woman is a flower, and not a steward."

---

1 Apparently it should be "your children". [Ed.]

(14) Also it has been narrated from the Prophet that he said: "Woman is but a doll; he who takes it should not destroy it." The Messenger of God used to wonder aloud: "How can you embrace the woman with a hand you had hit her with?"

(15) It is narrated also in *al-Kāfī* through his chain from Abū Maryam from Abū Jaʿfar that he said: "The Messenger of God has said: 'What! does one of you hit the woman and then goes embracing her?' " Countless such statements are found in traditions; and one may understand from them the Islamic views on this subject.

Let us turn our attention to the above-mentioned *hadīth* of Asmāʾ bint Yazīd al-Ansāriyyah. If we think over this and other similar traditions which show that women used to come to the Prophet and talk to him on religious matters that concerned them; and also look at various laws ordained by Islam about them, it will be clear that although they observed *hijāb* (*purdah* = veil) and confined themselves mostly to the domestic affairs, they were not prevented from approaching the highest authority, trying to solve the problems confronting them which they were unable to solve by themselves. This is the freedom of faith which we had described under the last verse of the chapter of "The House of 'Imrān".

It may be inferred from this and other similar traditions that:

First: The woman's life-style, preferred and liked by Islam, is that she should confine herself to the management of domestic affairs and bringing up the children. Of course, it is an emphasized *sunnah* and not an obligatory order. Yet the exhortation and persuasion to follow this highly recommended path had preserved and guarded this system, especially as the atmosphere was that of religion, and environment, of piety, when people sought the pleasure of God and preferred the reward of hereafter over worldly gains, and women were brought up and trained in good characteristics like chastity and modesty, love of children and involvement in domestic life.

Their engagement in these affairs and their focus on revival of pure feelings (ingrained in their beings) prevented them from coming to men's gatherings or mingling with men (even within the permitted limits). Its proof may be found in the uninterrupted continuation of this custom among the Muslims for centuries and centuries after the early days of Islam. This continued until the western licentiousness—called "freedom of women"—seeped into the society. It brought in its wake for both men and women—moral corruption and life's destruction in a way they do not

realize—but will soon see. *And if the people of the towns had believed and guarded (against evil), We would certainly have opened up for them blessings from the heaven and the earth, but they rejected so We overtook them for what they had earned* [7:96]

Second: It is a part of the laid down sharīʿah of Islam to forbid women to fight (in *jihād*), in the same way as they are prevented from judgeship and rulership.

Third: Islam has not left these deprivations (e.g., woman's inability to participate in *jihād* in the way of God) without suitably compensating the women for it, nor without making up for it with such virtuous acts of equal value which have intrinsic real glory. For example, it has made good matrimonial behavior as equal to *jihād* for women. Maybe, these virtues and glories have lost their value in our eyes—as we live in these days in this polluted atmosphere. But the Islamic social order evaluates every thing accurately and exhorts people to try to excel one another in human excellence which is appreciated by God (and He measures everything with truth). When a person proceeds on the path he or she is required to walk on, and keeps to the lane prescribed for him or her, the Islamic society evaluates his/her achievement in such a way that various services and activities are considered equal in value to some other services and activities of the same importance. In the eyes of Islam, man's martyrdom on the battle-field and sacrifice of his life's blood—in spite of its great glory—is no better than woman's good matrimonial behavior. Likewise, a ruler manages the affairs of society, and a judge sits in the judicial court. These are the jobs that give no privileges to their holders. If a ruler or a judge follows the path of truth and justice in his actions and decisions, he gets no worldly reward; on the other hand, he carries a heavy burden of responsibilities on his shoulders, and puts himself in various types of dangers and pit-falls which endanger his spiritual and material well-being—especially in respect of the rights of those who have no protector except the Lord of the worlds, *and surely your Lord is on look-out.* Now what superiority these officials have got over a woman who has been forbidden by religion to accept such responsibilities, and has been shown a different path and advised not to deviate from it.

Only that society can strengthen and revitalize these sociologically important and essential responsibilities (by encouraging a group to volunteer for them) which trains its members to come forward to do whatever they are called to, without any reservation.

No one can deny that social orders and human behavior differ with changes in the societies' atmosphere. Look at that soldier who puts his life in the utmost danger—that of high-explosive bombs that would shatter his life. He volunteers for it for glory, hoping that his name will be included in the roll of honor as the one who sacrificed his life for his country. He prides himself on it considering himself superior to all, while he himself believes that death is total annihilation. Thus that supposed honor is mere imagination and that superiority just a myth. In the same way these film stars influence the whole society, basking in a glory which many heads of states would envy. But the work they do and the way they expose themselves to the public was considered for untold centuries the greatest disgrace a woman could face, the ugliest ignominy she could be accused of. Why this change? It is because the social environment decides what should be acceptable to the masses; it glorifies the vulgar and disgraces the respectable. That being the case, what is wrong if Islam exalts some things which we—living in this volatile era consider vile; or if it regards some things with contempt which we consider good enough to be vied for. Remember that the environment in the early days of Islam was that of piety—where people preferred the hereafter to this world.

almizan.org
almizan.org

Verses 36–42

These seven verses exhort good-doing and spending in the way of God, and promise good reward for it; at the same time, they condemn the opposite conduct, be it miserliness or spending for showing to the people.

وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا ۖ وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنْبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ ۗ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَخُورًا ﴿٣٦﴾

(4:36) ***And worship Allah and do not associate any thing with Him, and do good to the parents and to the near of kin and the orphans and the needy and the neighbor of (your) kin and the alien neighbor, and the companion at your side and the way-farer and those whom your right hands possess, surely Allah does not love him who is proud, boastful.***

This is what is called monotheism; but here it refers to the monotheism in practice, that is, doing good deed (including the benevolence which is the topic particularly mentioned here) only for the sake of God's pleasure, seeking the reward of the hereafter, not for satisfying one's own desire as it would be tantamount to associating (one's desire) with God.

This interpretation is supported by the verse's ending phrase which gives the reason of this order in these words: *surely Allah does not love him who is proud, boastful;* and then identifies this unloved person as the one who is niggardly and the one who spends in charity only for showing to the people. These are the ones who associate something else with God and do not worship Him alone. Then the talk proceeds: *And what (harm) would it have done them if they had believed in Allah and the last day.* Obviously, their polytheism emanates from their lack of belief in the Day of Judgment. God says in another place: ... *and do not follow desire, lest it should lead you astray from the path of Allah; (as for) those who go astray from the path of Allah, for them surely there is a severe punishment because*

they forgot the Day of Reckoning (38:26). It shows that those who go astray by following their desire—and every type of polytheism is [unmitigated] a straying—do so because they have forgotten the Day of Reckoning. Again God says: *Have you then seen him who takes his low desire for his god, and Allah has made him err in spite of his knowledge* (45:23). This makes it clear that to follow one's desire is to worship it, associating it with God. It is clear from the above that monotheism in practice demands that whatever good one does, it should be purely for the sake of God—in anticipation of His reward—remembering the Day of Reckoning when rewards and punishments will be awarded. On the other hand, polytheism in practice means forgetting the last day—if he had believed in it, he would not have forgotten it. Such a man does whatever he does, not for the divine reward, but because of what appears to his base desire as attractive, be it niggardliness or spending in charity in order that people should praise him for his generosity and so on. This man treats his desire as equal to his God, and associates it with Him.

The real purpose of the divine worship and unpolluted sincerity is that it should be for seeking God's pleasure and getting His reward, not in pursuance of one's desire.

... and do good to the parents ... and those whom your right hands possess;: Obviously, the word *ihsānā*ˀ (to do good) is cognate accusative to emphasize a deleted verb; the completed sentence would mean 'do good to the parents, etc., to your utmost capability'. The infinitive verb, *al-ihsān* uses the prepositions, *bi* and *ilā,* it is said: I did good to (*bi*) him; or, I did good towards (*ilā*) him.

The words, "and to the near of kin" and the following words are in conjunction with "the parents". "The near of kins" means near relatives. [The neighbors have been classified in two groups:] *the neighbor of (your) kin and the alien neighbor.* This apposition of adjectives indicates that the former refers to a neighbor whose house is near yours, and the latter to the one who is at a distance, because *al-janab* means alien.[1] A tradition narrated from the Prophet limits neighborhood to forty arm-lengths; while

1 This interpretation is far-fetched and the proof does not support the claim. If the second phrase means "alien neighbor", then "near neighbor" should mean the neighbor who is related to you, as a coming tradition explains. Moreover, the word *dhu al-qurbā*ˀ has never been used in the Qur'an for showing nearness in physical distance. [Trans.]

another one says, 'forty houses'. Probably the two traditions separately describe the two categories of the neighbors.[1]

The words, "the companion at your side", refer to the one who keeps your company remaining at your side. It covers companions in a journey as well as those who are with you at your residence and so on.

The word translated here as "the way-farer", literally means, "son of the way"; it is as though nothing is known of his details except that he is travelling on a path, and that there is none he could be related to, except the way he is proceeding on; so he is the son of the way. The phrase does not imply that he should be poor, in need of help, having no transport or provisions. The words, "those whom your right hands possess"; refer to slaves; male and female, because they are counted here among those whom one must be good to; mostly they are referred to as those who are possessed "by your right hands", not as those possessed by you.

... surely Allah does not love him who is proud, boastful;: *al-Mukhtāl* means haughty, prancing, lost in his conceited thoughts; a horse is called *al-khayl* because of its prancing walk. *al-Fakhūr* is boastful. The two traits of pride and boastfulness are inseparable concomitants of excessive love of wealth and glory. That is why God does not love a proud and boastful person, because his heart is attached to something other than God. The next two verses expose these two characteristics when they say: *Those who are niggardly ...,* and, *those who spend their property (in alms) to show to the people ...;* the first group craves for wealth and the second for glory and fame—although the wealth and the fame are somewhat inseparable from each other.

This speech normally should have begun with exposition of their evil deeds, e.g., niggardliness, hiding the bounties received from God, and other such things; but God first mentioned these two adjectives to clearly show why God does not love them.

الَّذِينَ يَبْخَلُونَ وَيَأْمُرُونَ النَّاسَ بِالْبُخْلِ وَيَكْتُمُونَ مَا آتَاهُمُ اللَّهُ مِنْ

1 The two definitions could as easily mean that a relative should be treated also as a neighbor even if he lives at a distance of forty houses: while for unrelated persons neighborhood ends at a distance of forty arm-lengths. But, most probably, such traditions do not aim at giving legal definitions enforceable through land measurement. They look at common usage and behavior prevalent in society. [Trans.]

فَضْلِهِۦ ۗ وَأَعْتَدْنَا لِلْكَٰفِرِينَ عَذَابًا مُّهِينًا ﴿٣٧﴾

(4:37) ***Those who are niggardly and bid people to be niggardly and hide what Allah has given them out of His grace; and We have prepared for the unbelievers a disgraceful chastisement.***

It is through their wrong behavior and bad example that they order people to be niggardly, whether they use any word to this effect or not. They are rich and wealthy; people try to attach themselves to them and therefore follow their examples; this results from the greed ingrained in human nature. In short, these rich people's niggardliness is no less commanding than their words.

How do they hide the bounties which God has given them out of His grace? They behave like, and pretend to be, a needy penniless person; they are annoyed when someone asks them for some help, but at the same time are afraid to refuse lest they are attacked, and it would be more disastrous if people turned their attention to their wealth. [So the remedy is to pretend to be poor.] The adjective, 'unbelievers', at the end of the verse refers to these people who hide God's bounties they have received; the same is the root-meaning of the well-known *al-kāfir* because he hides the truth by rejecting it.

وَٱلَّذِينَ يُنفِقُونَ أَمْوَٰلَهُمْ رِئَآءَ ٱلنَّاسِ وَلَا يُؤْمِنُونَ بِٱللَّهِ وَلَا بِٱلْيَوْمِ ٱلْءَاخِرِ ۗ وَمَن يَكُنِ ٱلشَّيْطَٰنُ لَهُۥ قَرِينًا فَسَآءَ قَرِينًا ﴿٣٨﴾

(4:38) ***And those who spend their property (in alms) to show to the people and do not believe in Allah nor in the last day; and as for him whose associate is the Satan, an evil associate is he!***

That is, they spend for showing to the people. The verse proves that: Showiness in charity or in any other good work is in fact polytheism, which shows that such a man does not believe in God, because he has more confidence in people and in their appreciation.

It is also polytheism in practice, because that man does not want any reward of the hereafter for his deeds; his entire hope is to reap the fruit of his 'charity' in this world.

The person who does good deeds for showing to the people is associated with the Satan, and the Satan is an evil associate.

وَمَاذَا عَلَيْهِمْ لَوْ آمَنُوا بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَأَنْفَقُوا مِمَّا رَزَقَهُمُ اللَّهُ ۚ وَكَانَ اللَّهُ بِهِمْ عَلِيمًا ﴿٣٩﴾

(4:39) *And what (harm) would it have done them if they had believed in Allah and the last day and spent (benevolently) of what Allah had given them? And Allah knows them.*

The question arises from pity or amazement. The verse proves that refraining from spending benevolently in the way of God emanates from lack of true belief in God and the last day—although one may be pretending to have such belief.

The end sentence, *and Allah knows them,* prepares the ground for the next verse. It is more in keeping with the import of this sentence to treat it as a circumstantial clause.

إِنَّ اللَّهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ ۖ وَإِنْ تَكُ حَسَنَةً يُضَاعِفْهَا وَيُؤْتِ مِنْ لَدُنْهُ أَجْرًا عَظِيمًا ﴿٤٠﴾

(4:40) *Surely Allah does not do injustice to the weight of an atom, and if it is a good deed He multiplies it and gives from Himself a great reward.*

al-Mithqāl (weight); *al-dharrah* means small red ant; also a single dust particle floating in air which is hardly visible because of its smallness. The word *mithqāla dharratin* stands in place of a cognate accusative; the meaning will be: God does not do any injustice at all, not even equal in weight to an atom's.

The word *hasanatan* has also been read as *hasanatun*. In latter case, it would mean, 'and if there is a good deed'; in the former case it denotes, 'and if that minute weight of atom is a good deed, God multiplies it'. The verb, *wa in taku*, uses feminine pronoun either because the predicate *hasanatan* is feminine, or because the word *mithqāl,* being in genitive construction with *dharrah*—a feminine—has acquired feminity.

The context indicates that this verse gives a sort of reason for the preceding question. The meaning may be as follows: It is regrettable that they do not believe and do not spend in the way of God. Had they believed and spent benevolently—and God knows them well—He would not have done injustice to them even to the weight of an atom they had spent; God

would not have neglected it or left out its reward; and if it had been a good deed, He would have multiplied it.

And God knows better.

فَكَيْفَ إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ بِشَهِيدٍ وَجِئْنَا بِكَ عَلَىٰ هَٰؤُلَاءِ شَهِيدًا ﴿٤١﴾

(4:41) ***How will it be, then, when We bring from every people a witness and bring you as a witness over these?***

We have described the meaning of witness to a certain extent when explaining the witnessing over deeds, in the exegesis of the verse, ... *that you may be witness for the people* ... (2:143).[1] Some more details will be given in a more appropriate place.

يَوْمَئِذٍ يَوَدُّ الَّذِينَ كَفَرُوا وَعَصَوُا الرَّسُولَ لَوْ تُسَوَّىٰ بِهِمُ الْأَرْضُ وَلَا يَكْتُمُونَ اللَّهَ حَدِيثًا ﴿٤٢﴾

(4:42) ***On that day will those who disbelieve and disobey the Messenger desire that the earth were levelled with them, and they shall not hide any word from Allah.***

The clause, "and disobey the Messenger" clearly refers to disobeying his administrative orders, and not the disobedience of God in matters of sharīʿah. The clause, *the earth were levelled with them*, is an indirect allusion to death, that is, nullity of existence. A similar expression appears in the verse, *and the unbeliever shall say: "O! would that I were dust"* (78:40).

... and they shall not hide any word from Allah: It is apparent from the context that the sentence is in conjunction with, "those who disbelieve ... [will] desire", and it gives in a way the reason of their desire to die; that is, on that day they will be appearing before God, nothing of their secrets will be hidden from Him because their total condition will be clearly seen by Him—their deeds will be present; their limbs and organs will give evidence against them; the prophets, angels and others will testify against them; and God encompasses them on every side. In that situation they would desire they were non-existent, especially as they would not be able to hide any word from God as their bad deeds and evil actions would be apparent for all to see.

---

1 Vide *al-Mīzān,* (Eng. transl.), vol. 2. [Trans.]

As for the verse, *On the day that Allah will raise them up, then they will swear to Him as they swear to you, ...* (58:18), we shall explain it later that their false swearing will be just a reflex action emanating from the habit of lying ingrained in their nature in this life; it will not be for hiding any word from God—on a day when nothing of them will be hidden from Him.

Examining Narrations

(1) Salām al-Juᶜfī narrates from Abū Jaᶜfar and Abān b. Taghlib from Abū ᶜAbdillāh, that the word, *the parents,* in the clause, *and do good to the parents,* refers to the Messenger of God and ᶜAlī, (*al-Tafsīr,* al-ᶜAyyāshī). al-ᶜAyyāshī has further written: "A similar meaning has been narrated in the hadīth of Ibn Jabalah. He says: 'It has been narrated from the Prophet: "I and ᶜAlī are the two parents of this *ummah.*" ' "

Author's comments: al-Bahrānī says, after quoting this tradition in his *Tafsīr al-burhān:* "I say: It has been narrated also by the author of *al- Fā'iq.*"

al-ᶜAyyāshī has also narrated it through Abū Basīr from Abū Jaᶜfar and Abū ᶜAbdillāh (peace be on both): and Ibn Shahrāshūb has narrated it through Abān from Abū Jaᶜfar. The meaning expounded in this *hadīth* is from the inner and deeper strata of the Qur'anic realities, as we have described in the third volume, under the topic of the decisive and ambiguous verses.[1]

The father is the physical progenitor of human being, and brings him up. That is why the teacher who leads the pupil to academic perfection is called his father. In this background, personages like the Prophet and *waliyy* (the best blessings be on them) have got much stronger right to be called the fathers of the believer (who is guided by them, and enlightened by their knowledge), than the physical father whose contribution is confined to his body's genesis and bringing up. Therefore, the Prophet and the *waliyy* are the parents; and all the Qur'anic verses exhorting the people to be good to their parents encompass these two, according to the inner Qur'anic meaning, although the outer interpretation is restricted to the physical parents.

(2) Abū Sālih narrates from Abu al-ᶜAbbās in explanation of, *and the neighbour of (your) kin and the alien neighbor,* that he said: "It is the neighbor who has no relationship with you; *and the*

1 Vide *al-Mīzān,* (Eng. transl.), vol. 5. [Trans.]

companion at your side means the companion in journey." (*al-Tafsīr,* al-ʿAyyāshī).

Author's comments: The explanation of the neighbor cover both categories of neighbors, although it is possible to restrict it to *the alien neighbor* only. Probably the explanation of the companion with the companion in journey looks at one of its applications.

(3) Masʿadah b. Sadaqah narrates from Jaʿfar b. Muḥammad from his grandfather (peace be on them) that he said: "The Leader of the faithful said in a sermon describing the terror of the Day of Resurrection: 'The mouths will be sealed so they would not speak; and will speak the hands, and will testify the legs, and will declare the skins what they had done; so they shall not hide any word from God.' " (*ibid.*)

Many reports have been given through the Sunnī chains that these verses were revealed about the Jews. These may be supported by the speech (beginning from the 44th verse), that describes the behavior of the People of the Book (and especially the Jews) and condemns them for their miserliness, and their greed in accumulation of wealth; also for their whispering campaign among the believers putting evil thoughts in their minds that they should stop benevolent expenditure in the way of God; for their temptation of the Muslims to lead them away from the right course and then leaving them helpless; and thus disrupting the endeavors of the Messenger of God. Nevertheless, such reports, more probably, merely apply the verses to a known situation, rather than describing the actual reason of revelation—as is the case with most of the reports giving reasons of revelation. That is why, in spite of their number, we have not quoted them here.

There are innumerable traditions reported from the Prophet and his progeny (blessings and peace from God be on them) extolling the virtue of doing good to the parents, the relatives, the orphans and all the groups mentioned in this verse; moreover they are widely known and famous. Therefore, we are not quoting them here. A part from that, each group has been especially mentioned in various places of the Qur'an, and it would be more appropriate to write traditions relevant to them in those places.

Verse 43

It was mentioned[1] under the verse, *They ask you about in-toxicants and games of chance, ...* (2:219), that there are five different verses on the subject of intoxicants; if we put all of them side by side, it will appear that this verse (... *do not go near prayer when you are intoxicated* ...) was revealed after the verses, ... *you obtain from them intoxication and goodly provision ...* (16:67); and, *Say: "My Lord has only prohibited indecencies, those of them that are apparent as well as those that are concealed, and sin ...*" (7:33); but before the two remaining verses: *They ask you about intoxicants and games of chance. Say: "In both of them there is a great sin and (some) profit for men; and their sin is greater than their profit."* (2:219), and, *O you who believe! intoxicants and games of chance and (sacrificing to) stones set up and (dividing by) arrows are only an abomination of Satan's handiwork; shun it therefore, that you may be successful* (5:90). This was the last-revealed verse on this subject.

It may be possible in a way to arrange a different sequence for them: First 16:67, then 7:33, thereafter 2:219, fourth the verse under discussion, that is, 4:43, and lastly 5:90. This will drastically change the description of the final and firm prohibition of intoxicants. It would indicate that the verse 7:33 forbade indecencies and sin in a vague manner, then came 2:219 definitely forbidding intoxicants; yet the Muslims found excuses to violate that order, until they were clearly told not to pray while intoxicated; thereafter came the verse 5:90, forbidding it in all conditions. But if you ponder, you will appreciate that the former sequence is better and preferable to the latter—how can one justify this prohibition, limited to the prayer-time only, after the unambiguous and definite prohibition given in 2:219? Therefore, this verse (4:43) must have been revealed before 2:219.

Of course, if you say that praying while intoxicated means here praying lazily and sluggishly (as has been interpreted in some coming traditions), then there is nothing to argue.

As for the positioning of this verse between the preceding and following ones, it should be treated as a parenthetical speech. Of course,

---

1 Vide *al-Mīzān* (Eng. transl.), vol. 3. [Trans.]

there is another possibility which would explain such parenthetical insertions, examples of which are not so rare in the divine Book: It could be that some verses, of one context and closely related to one another, were gradually revealed during a few days time; but before the end of the series, something happened which necessitated the revelation of one or more unrelated verses; when the series concluded, those unrelated verses would fail in between like parenthesis; although in reality it would not be totally unrelated, would be like a side talk for removing possible misunderstanding or fulfilling an urgent need. Look for example at the following verses:

Nay! man is evidence against himself, though he puts forth his excuses. Do not move your tongue with it to make haste with it. Surely on Us is the collecting of it and the reciting of it. Therefore when We have recited it, then follow its recitation. Again on Us is the explaining of it. Nay! But you love the present life, and neglect the hereafter (75:14–21). Look at the position of these verses.

In this background, there is no need to belabor finding some sort of connection for every verse with the preceding and following verses. Moreover, it is known that the Qur'an was revealed piecemeal, and there is no reason why there should be such connection, except in the chapters which were revealed all at once, or in those verses whose connection with one another is self-evident.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا ۚ وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ ۗ إِنَّ اللَّهَ كَانَ عَفُوًّا غَفُورًا ﴿٤٣﴾

(4:43) ***O you who believe! do not go near prayer when you are intoxicated until you know (well) what you say, nor when you are in a state of major ritual impurity, unless (you are) travelling on the road—until you have washed yourselves; and if you are sick, or on a journey, or one of you come from the privy or you have touched the women, and you cannot find water, betake yourselves to clean earth, then wipe a part of your faces and your hands; surely Allah is Pardoning, Forgiving.***

Prayer in this verse means mosque; that is why it goes on to prohibit entrance to those who are in a state of major ritual impurity.[1] The question arises as to why the house of prayer has metaphorically been called 'prayer'. The reply: It was necessary because of the clause, "until you know (well) what you say". Had God said, 'do not go near mosque until you know what you say', it would have appeared disjointed, or given some other unintended meaning. The real purpose is to make them appreciate that during prayer they stand before the Most High, the Most Great God and get the honor of addressing the Lord of the worlds; it is not proper for them to become intoxicated and lose their sense with the abomination of intoxicant, not knowing what they were speaking. This meaning was more relevant to 'prayer'. But prayer is mostly offered in mosque with congregation, according to the system established by the Prophet; and also it was intended to describe the law about entry of a person in condition of major ritual impurity into mosque. Therefore, brevity demands this metaphorical use and style, as you see.

Accordingly, the words, "until you know (well) what you say", give the reason of prohibition of drinking liquor in a way the intoxication continues till beginning of prayer. In other words, We have forbidden you liquor in order that you may know what you are saying; but it is not the main purpose of the prohibition—it does not mean that do not start prayer until you know what you say, but if you know what you say you may drink.

... nor when you are in a state of major ritual impurity, unless (you are) travelling on the road ...: It will be explained under exegesis of the verse, *O you who believe! when you rise up to prayer, wash your faces ...* (5:6).

Examining Narrations

(1) Muḥammad b. al-Fadl narrates from Abu al-Hasan about the words of God: *do not go near prayer when you are intoxicated ...*, that he said: "It was before liquor was prohibited." (*al-Tafsīr,* al-ʿAyyāshī)

Author's comments: This tradition must be taken to mean that the verse was revealed before the prohibition of liquor was clearly expounded. Otherwise, it will go against the Qur'an. The 33rd verse of the seventh chapter had clearly forbidden sin which includes intoxicants; and the 219th verse of the second chapter explicitly says that there is great sin in liquor.

1 Which one gets on sexual intercourse or after ejaculation. [Trans.]

It means that liquor was forbidden in Mecca before the *hijrah,* because the seventh chapter is of Meccan period [and the second chapter was the first one revealed at Medina], and everyone knows that the verse under discussion was revealed at Medina [after the second chapter].

There are several other traditions through Sunnī chains saying that this verse was revealed before the prohibition of liquor. May be all such traditions take the word intoxicated to mean lethargic.

(2) Zurārah narrates from Abū Jaʿfar that he said: "Do not stand for prayer sluggishly, sleepily or sullenly, because it is a trait of hypocrisy; surely God has forbidden the believers to stand for prayer while intoxicated—that is, from sleep." (*ibid.*)

Author's comments: The assertion that it is a trait of hypocrisy is based on the opening clause, *O you who believe!;* thus anyone disregarding this order is a hypocrite, not a believer. The phrase, 'that is, from sleep': May be it is an explanatory note of the narrator; or the wording of the Imām himself. In the latter case it will be an exposition of the inner meaning of the Qur'an, or even the apparent one.

(3) There are other traditions interpreting the intoxication as sleepiness. al-ʿAyyāshī has narrated two such traditions in his *al-Tafsīr;* and al-Kulaynī has reported it in his al-Kāfī through Zayd al-Shahhām from al-Sādiq, and through Zurārah from al-Bāqir. Also al-Bukhārī has narrated in his *al-Sahīh* through Anas from the Messenger of God.

almizan.org

Verses 44-58

These verses expose the condition of the People of the Book, giving details of their injustice, and also their deceptions concerning the divine religion; and these are more clearly applicable to the Jews. The verses are interrelated, having the same context.

As for the last verse, *Surely Allah commands you to make over trusts to their owners ...,* some people have said that it is of Meccan period; they think that while the whole chapter, "The Women", is of Medinite period, two verses are of Meccan era—this as well as the last one of the chapter: *They ask you about a decision of the law. Say: "Allah gives you a decision ...*" (4:176). (Vide *Majmaᶜ al-Bayān.*) But the verse's connection with the preceding ones is quite clear; and the same is the case with the last verse of the chapter, because it promulgates a law about inheritance, and inheritance was ordained at Medina.

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِنَ الْكِتَابِ يَشْتَرُونَ الضَّلَالَةَ وَيُرِيدُونَ
أَنْ تَضِلُّوا السَّبِيلَ ﴿٤٤﴾ وَاللَّهُ أَعْلَمُ بِأَعْدَائِكُمْ ۚ وَكَفَىٰ بِاللَّهِ وَلِيًّا وَكَفَىٰ
بِاللَّهِ نَصِيرًا ﴿٤٥﴾

(4:44-45) ***Have you not seen those to whom a portion of the Book was given? They buy error and desire that you should go astray from the way. And Allah best knows your enemies; and Allah suffices as a Guardian, and Allah suffices as a Helper***

It has already been mentioned under verse 36-42 that they are somewhat connected with these ones, and that they were revealed about the Jews.

It appears from these verses that the Jews were in habit of presenting themselves as sincere well-wishers of the believers; they tempted the believers away from the right path, inciting them to niggardliness, telling them not to spend benevolently. They knew that if the Muslims followed their advice, their (believers') endeavors would not achieve success, their efforts for advancement and progress would fail. It makes it certain that the verses were revealed about the Jews or about those who secretly talked

to Jews and befriended them, then deviated from truth on their advice, tempted to niggardliness and then began telling others to be niggardly.

All this may be inferred from the words, *and desire that you should go astray from the way. And Allah best knows your enemies ...*

The two verses, thus, mean as follows (and God knows better): We have just described to you the condition of those who avoid spending, in the way of God and indulge in pride, boasting, niggardliness and showiness. Do you want to see its concrete example? Look at the Jews. They were given a portion of the book, not the whole book as they claim. Yet they buy error instead of guidance; and they love that you too should go astray. They meet you with smiling faces, appear to you as good people and pretend to be your friends and helpers. They offer proposals which sometimes might seem good to you, which your hearts might be inclined to agree to. But their only desire is to turn you away from the right path—as they have gone astray themselves. And God recognizes your enemies better than you do; and these are your enemies. Do not be deceived by their apparent good behavior. Beware of them; do not obey their order; do not listen to their false words, nor be carried away by their sugar-coated talk. You suppose that they are your friends and helpers. Do you really need their false friendship and promised help? While God suffices as a Guardian and God suffices as a Helper. In presence of this Guardianship and Helper, why should you need their friendship and assistance?

مِنَ الَّذِينَ هَادُوا يُحَرِّفُونَ الْكَلِمَ عَنْ مَوَاضِعِهِ وَيَقُولُونَ سَمِعْنَا وَعَصَيْنَا
وَاسْمَعْ غَيْرَ مُسْمَعٍ وَرَاعِنَا لَيًّا بِأَلْسِنَتِهِمْ وَطَعْنًا فِي الدِّينِ ۚ وَلَوْ أَنَّهُمْ قَالُوا
سَمِعْنَا وَأَطَعْنَا وَاسْمَعْ وَانْظُرْنَا لَكَانَ خَيْرًا لَهُمْ وَأَقْوَمَ وَلَٰكِنْ لَعَنَهُمُ اللَّهُ
بِكُفْرِهِمْ فَلَا يُؤْمِنُونَ إِلَّا قَلِيلًا ﴿٤٦﴾

(4:46) ***Among the Jews are those who pervert words from their meanings and say, 'We hear and disobey' and 'Hear without listening!' and 'Raʿina,' twisting their tongues and reviling the faith. But had they said, 'We hear and obey' and 'Listen' and 'Unzurna,' it would have been better for them and more upright. But Allah has cursed them for their faithlessness, so they will not believe except a few.***

Min (of, from, among), in the phrase translated here as "Among the

Jews", is explicative that gives detail of the preceding phrase, "those to whom a portion of the book was given", from among the Jews. Or it joins with the preceding words, "your enemies", from among the Jews. Also it is said that the phrase, "Of those who are Jews", is predicate of a deleted subject (which is understood by the attributive clause) "alter words"; the meaning: Of those who are Jews, there is a group that alters words; or, there are those who alter words. It is not uncommon to mention an attribute and delete the noun to which it is related, Dhu al-Rummah says:

> *They remained and among them (there were those) whose tears flowed fast, And there were others whose tears filled the eyes leisurely*.

God says that they alter words from their places. It may refer to literal alteration, that is, they change the position of words, delete from and insert into the book, as is said about the present Torah. Or it may indicate that they misinterpreted the words of Moses and other prophets, reported in the Old Testament, giving it some unintended meaning, other than the actual one; as they misinterpreted the prophecies of Torah which referred to the Messenger of God, and had earlier done about the prophecies referring to the Christ, saying that the promised Messiah had not come yet; and they are waiting for him even today.

A third possibility may be, the alteration of words from their places refer to their mischief mentioned soon after this sentence, where God says: *and say, 'We hear and disobey' and 'Hear without listening!' and 'Raʿina,' twisting their tongues* ... In that case, these sentences will be in conjunction with the words, "alter words". Alteration of words then will mean using a word in a wrong manner and wrong place. Usually when one says, 'We hear', it indicates obedience, and it is generally completed by saying, 'We hear and obey'. It is totally disgraceful to say, 'We hear and we disobey'; or to use the word, 'We hear', as a mockery or derision. Likewise, when one says, 'Hear', or 'Listen', it is a good manner to add, 'May God make you hear'; not 'may you not be made to hear', nor to say, *'Raʿina',* which reportedly had in their language the import of, 'Hear, may you not be made to hear'.

... twisting their tongues and reviling the faith: *al-layy* (to twist, to distort). They twist their tongues and present falsehood in the guise of truth, commit disrespect and ridicule in the form of politeness and courtesy. The believers used to address the Messenger of God with the word, *Raʿina* (pay attention to us) O Messenger of God!" Their meaning: Please

listen to us, so that we may fully explain what we want to say. The Jews, taking its advantage, started addressing him with the same word, *raʿina,* which in their language had a disrespectful connotation totally against his high status. That is why God condemned them in this verse, saying, "Jews alter words from their places", and then explaining this alteration with examples: "[They] say: 'We have heard and we disobey'; and: 'Hear, may you not be made to hear';" then adding as an explanatory apposition: *raʿina*. They commit this reprehensible deed by twisting their tongues for taunting at the true religion; as the verse says: "distorting (the words) with their tongues and taunting about religion". Both *masdars* have been put here as circumstantial clause.

It compares these words (which show religious reverence and submission to truth) with what they used to say (which was a result of twisting of tongues and taunting about religion); and declares that the former was better and more upright than the latter. But the fact was that there was no good or uprightness at all in the Jews' words. [Then why this comparison? And why this comparative degree?]

Reply: The verse compares the good effect of the true words with what the Jews thought was a good effect of their words—although in reality there was no good effect in it at all; thus the comparison is between the real good effect and an imaginary good effect. The meaning: If they had said, 'We have heard and we obey ...', it would have been much better and more upright than the goodness they think is achieved by them through this tongue twisting and taunting. The style is the same as the one used in the last verse of the chapter 62 ("Friday"): *And when they see merchandise or sport they break up for it, and leave you standing. Say: "What is with Allah is better than sport and (better) than merchandise", and Allah is the Best of sustainers* (62:11).

... but Allah has cursed them on account of their unbelief, so they shall not believe but a few: The Muslims should not entertain any hope that the Jews would ever say, 'We have heard and we obey'; because it is the word of faith and belief and these are cursed people who would not enter the fold of true faith. That is why the preceding sentence, "and if they had said ...", uses conditional particle, *law* (if) which denotes impossibility of the conditional clause.

Apparently the preposition, *bi* (on account of, with) in the clause, "on account of their unbelief", denotes causality; not instrumentality. [They have been cursed because of their unbelief; not that they are cursed with

unbelief.] Disbelief may be removed by belief; therefore disbelief, *per se,* cannot turn into such a curse as to make belief impossible. Rather, when they disbelieved (and God will describe their disbelieving ways at the end of the chapter) God cursed them on account of that unbelief, with such a curse as would make them cling to their faithlessness; so they shall not believe except a few of them. (Ponder on it.)

The words, "so they shall not believe but a few": It has been said that, "but a few", is a conditional clause, that is, they shall not believe except being in small number.

Others have said that 'a few' is adjective to a deleted noun. it means: They shall not believe but a little belief. This interpretation too, like the preceding one, is acceptable, but it requires further elaboration that attachment of smallness to the 'belief' is a sort of attaching an adjective to a concomitant of its noun—they shall not believe but a belief in which the believers shall be small in number.

Some exegetes have written that "a little belief" means imperfect one; accordingly, it would mean: They shall not believe but such a small quantity of belief as would be worthless—it would not rectify the believer's actions, nor purify his self, nor improve his wisdom. But this interpretation is wrong. Belief can be said to be deep-rooted or transient, perfect or imperfect—according to its various degrees. But it is never called 'little' or small in number. Therefore, this adjective cannot refer to 'belief', and especially in a book like the Qur'an which is the most perfect in rhetorics.

Moreover, the belief mentioned in the verse refers either to the real belief rooted in heart (which is opposite of hypocrisy), or to the apparent belief which is sometimes called Islam. There is no doubt that Islam accords recognition to both types of belief, and the Qur'anic verses explicitly accept even the latter concept. God says: *and do not say to any one who offers you salutation (peace), you are not a believer...*(4:94).

Apart from that, the exception has been made from the sentence, "God has cursed them on account of their unbelief...;" and the least degree of belief or apparent Islam was enough to justify that exception—that they should have maintained correct manners and decorum by saying, 'We have heard and we obey', as the Muslims were doing.

What put that exegete in this error? It is because he thought that as God had cursed them because of their disbelief, it must be absolutely effective; in other words, not even a few of them would ever accept Islam. That led him to say that the exception means "but a little quantity" of faith,

that is, an insignificant belief. He thought that only in this way the sentence, "but God has cursed them on account of their unbelief", could be correctly explained. But he did not realize that such talks—and what they describe of evil characteristics, accusations and condemnations—apply to the society *per se.* It was the Jewish society, *per se,* which was subjected to curse, wrath and other general condemnations. They will not believe, will not attain felicity and will not succeed—and even now that society is in the same condition, and will remain so up to the Day of Resurrection.

As for the exception, it refers to individuals; and it does not effect a firm order decreed against a society if a few individuals are not subjected to it. Why was this exception necessary in this declaration? Because it is the individuals who constitute a society, when taken together. When God said, "they shall not believe", it negated the belief from individuals—although it actually did so looking at them as a society. Still there was room for misunderstanding that the declaration covered every single member and none would ever be free from that curse. It was to remove that misconception that God said, "but a few". The verse, therefore, runs on the line of the verse: *And if We had prescribed for them: "Kill yourselves", or "go forth from your homes", they would not have done it except a few of them* (4:66).

يَا أَيُّهَا الَّذِينَ أُوتُوا الْكِتَابَ آمِنُوا بِمَا نَزَّلْنَا مُصَدِّقًا لِمَا مَعَكُمْ مِنْ قَبْلِ
أَنْ نَطْمِسَ وُجُوهًا فَنَرُدَّهَا عَلَىٰ أَدْبَارِهَا أَوْ نَلْعَنَهُمْ كَمَا لَعَنَّا أَصْحَابَ
السَّبْتِ ۚ وَكَانَ أَمْرُ اللَّهِ مَفْعُولًا ﴿٤٧﴾

(4:47) ***O you who have been given the Book! believe that which We have revealed, verifying what you have, before We alter faces then turn them on their backs, or curse them as We cursed the people of the Sabbath, and the command of Allah shall be executed.***

al-Tams (to efface, to obliterate); *al-wajh* (face, that part of a thing which is seen, which faces you; a man's face is the side of head that is seen, which faces the addressee). The word is used in material as well as immaterial sense. *al-Adbār* is plural of *al-dubur* (rear part, posterior). People of the Sabbath refers to a Jewish group which used to violate the rule of the Sabbath; therefore God had cursed and transformed them. The Qur'an says: *And ask them about the town which stood by the sea; when they exceeded the limits of the Sabbath, when their fish came to them*

on the day of their Sabbath, appearing on the surface of the water, and on the day on which they did not keep the Sabbath they did not come to them (7:166). *And certainly you have known those among you who exceeded the limits of the Sabbath, so We said to them: "Be apes, despised and hated." So We made them an example to those who witnessed it and those who came after it ...* (2:65–66).

The preceding verses, as you know, had exposed the condition of the Jews or a group of them; the talk proceeded to say that they were inflicted with divine curse because they were faithless towards God and His Messenger and corrupted what was good in their religion. That curse covered their whole society and deprived them of the divine help for believing—except for a few of them. [Coming to that stage] now the speech is addressed to all the People of the Book, as may be seen from the words, "O you who have been given the Book": It invites them to believe in the Qur'an, the revealed Book, which verifies that which they have got; then it proceeds with threatening them of definite infliction of divine wrath which awaits them in case they unjustifiably and arrogantly rebel against this order—alteration of faces or curse from God.

That threat is given in the words: ". before We alter faces then turn them on their backs, or curse them ..." Alteration of face means here changing a man's face (with which he goes forward to obtain his life's aims, to achieve the expected bliss and happiness). It does not mean here effacement that obliterates it, nullifying and erasing all its signs. Rather it denotes a change that will turn it to the back-side. Consequently, the more he advances on his way (going, by natural instinct, to the direction of his face), the more is he retarded backwards (because now he is facing his posterior). The more he goes 'ahead' to get what he thinks is good for his worldly life or religion, the more he accumulates evil and mischief. The more he progresses, the more is he retrogressed. Such a man can never succeed in his endeavors.

As for cursing them like the violators of the Sabbath, obviously it means metamorphosis, as the above-mentioned verses show that those violators were transformed into apes. Accordingly, the conjunctive, 'or', in 'or curse them ', connotes its literal meaning of alternative. There is a difference between the two threats. The former, that is, alteration of faces, would change the life's goals of the condemned group without affecting any substantial change in their physique. The latter, that is, curse like that of the violators of Sabbath, would change their goals of life by transmuting

their body-structure from that of humans to that of animals like apes.

If these people continued in their rebellion—and they will surely do, as the end of the verse shows—they will be inflicted with one of the two punishments: Either alteration of faces or being cursed like the violators of the Sabbath. At the same time, the verse indicates that the punishment would not cover all of them. The word, 'faces', being a plural without definite article, does not connote all-inclusiveness. This in its turn points to another fine point: The talk threatens a people with a consequence which will in fact be inflicted to only a group of them; it was therefore more effective to keep it vague as to who would be punished; this vagueness would keep each of them trembling with fear. The description of the related misdeeds fitted every individual of that society. Therefore, no one could consider himself safe from this dire chastisement. This is a well-known style when delivering threats to a group.

Apparently the pronoun, *hum* (them) in "or curse them", refers to 'faces'. But the Arabic pronoun is [of masculine gender, and is] reserved for rational beings [like men, while 'faces' should take a singular feminine pronoun]. This clearly indicates that 'faces' refers to persons in as much as they turn towards their goals and objectives. That being the case, little credit can be given to those who interpret the alteration of faces and turning them on their backs in its literal meaning, that is, the physical faces would be turned to the backside. There is strong indication that it means alteration of psyche whereby thinking becomes crooked and reality is distorted; when he sees a truth he turns aside, but as soon as a falsehood appears he runs towards it, craves for it.

This an example of divine management when God wills to show His displeasure, as He says: *And We will turn their hearts and their sights, even as they did not believe in it the first time, and We will leave them in their inordinacy, blindly wandering on* (6:110).

The above discourse makes it clear that alteration of faces in this verse refers to a sort of divine management of soul which changes its nature. Consequently the psyche is inclined towards falsehood and keeps away from truth, as far as believing in God and His signs is concerned. This is supported from beginning of the verse, where God says: "... believe that which We have revealed ... before We alter faces ...". Also it is clear from above that the curse here means metamorphosis.

Someone has said: Alteration of faces means that some people's faces will be turned towards their backs; and that it will happen in the last days

of the world or on the Day of Resurrection.

Comment: The words, *or curse them,* goes against this interpretation, as explained earlier.

Someone else has said: This alteration indicates their being deprived of divine help in this world; they will ever remain in disgrace and misery; whenever they would proceed to an intended happiness, God would change it to a mirage, an illusion devoid of good.

Comment: Although this explanation is not so far-fetched, the beginning of the verse does not support it, as mentioned above.

A third writer has said that it refers to their exile, and then return to the place they were exiled from. They were expelled from Hijāz to Syria and Palestine whence they had originally come.

Comment: It has been already said that the verse's beginning as well as the context points to something else.

Nevertheless, all or most of the above explanations may be combined in the following way:

The phrase, altering of faces, means turning their hearts upside down and changing their inner self, facing from truth to falsehood; thus they shall never be able to believe in God and His signs. Now, the true religion is the path without which man cannot arrive at blessings of worldly life; any one deviating from it must inevitably fall in fire-pit of corruption and mischief and stumble into abyss of destruction. God says: *Corruption has appeared in the land and the sea on account of what the hands of men have wrought, that He may make them taste a part of that which they have done ...* (30:41); *And if the people of the towns had believed and guarded (against evil), We would certainly have opened up for them blessings from the heaven and the earth; but they rejected, so We over-took them for what they had earned* (7:96).

According to these premises, if one's face is altered away from true religious realities, it would inevitably be turned away from all kinds of felicities of the worldly life. Whoever is debarred from blessings of religion will also be deprived of worldly blessings, like security of position, well-ordered safety, independence and sovereignty; in short, every thing that contributes to good life and makes a work fruitful. If there happens to be some success there, it would be to the extent the religious discipline has seeped into their societies.

... and the command of Allah shall be executed: What God has decreed must take place without fail; and it has already happened, as God has said

in several verses of His Book: They are cursed, have been inflicted with divine wrath; and enmity and hatred has been established among them up to the Day of Resurrection.

إِنَّ اللَّهَ لَا يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَٰلِكَ لِمَنْ يَشَاءُ ۚ وَمَنْ يُشْرِكْ بِاللَّهِ فَقَدِ افْتَرَىٰ إِثْمًا عَظِيمًا ﴿٤٨﴾

(4:48) ***Surely Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases; and whoever associates any thing with Allah, he devises indeed a great sin.***

It appears from the context that the verse gives the reason for the preceding order, that is, "believe that which We have revealed, verifying what you have, before We alter faces ". Thus, its connotation will be as follows: If you do not believe in it, you shall be associating something with God; but He does not forgive that any thing should be associated with Him; as a result of this polytheism, you will be inflicted with His wrath and punishment; consequently, He will alter your faces by turning them to your back-side; or He will curse you. This unforgiveness will bring in its wake the worldly consequences of polytheism, i.e., alteration of faces and divine curse.

This is the difference between this verse and another one of this very chapter: *Surely Allah does not forgive that any thing should be associated with Him, and He forgives what is besides this to whom He pleases; and whoever associates any thing with Allah, he indeed strays off into a remote error* (4:116). The verse under discussion (4:48) threatens with worldly consequences of polytheism, while 4:116 warns of the consequences in the hereafter. This differences is inferred from contexts, although by themselves both verses encompass both types of consequences.

Divine forgiveness or unforgiveness is not affected haphazardly or at random; it takes place according to some underlying reason—and God is Mighty, Wise. He does not forgive polytheism because creation (being a divine mercy) stands on the foundation of worship and mastership. God says: *And I have not created the* jinn *and the human beings except that they may worship Me* (51:56). And there is no worship, no servitude with polytheism. As for His forgiving other sins besides polytheism, it will be affected through intercession of rightful intercessors, like the prophets,

the *waliyys,* the angels and the good deeds, details of which were given under the topic of intercession in the first volume.[1]

This verse does not speak about repentance, as it deals particularly with disbelief, and repentance does not combine with disbelief. Otherwise, every sin—including polytheism—is forgiven through repentance. God says: *Say: "O my servants! who have acted extravagantly against their own souls, do not despair of the Mercy of Allah; surely Allah forgives the faults altogether; surely He is the Forgiving, the Merciful. And return to your Lord ..."* (39:53–54).

Polytheism, in the verse under discussion, certainly encompasses 'disbelief', because disbelief too shall not be forgiven, although formally it is not called polytheism. The People of the Book are not called by the Qur'an as polytheists, although their disbelief in the Qur'an and the message of the Prophet was nothing other than polytheism.[2] The People of the Book, by not believing in what God had sent down verifying what they had in their hands, became unbelievers and they associated what was in their hands with God—because God had not ordered them to hold fast to their scriptures, etc., the way they did. When a believer in Moses disbelieved in Jesus, he in fact disbelieved in God and associated Moses with Him. Probably that is the reason why God has used the clause, "does not forgive that any thing should be associated with Him", instead of saying, 'does not forgive polytheists (or polytheist)'.

The proviso, "to whomsoever He pleases" removes a possible misunderstanding that anybody can influence the divine judgment and affect forgiveness; nobody can order or compel God, the Great, the High. In many places in the Qur'an, we find the proviso of 'God's pleasure' after description of confirmed realities; and the reason in all or most of them is the same removal of possible misunderstanding. For example, God says: *And as to those who are made happy, they shall be in the garden, abiding in it as long as the heavens and the earth endure, except as your Lord please, a gift which shall never be cut off* (11:108).

Moreover, the reason demands that not every sinner should be forgiven; otherwise, it will render all orders and prohibitions ineffectual; promulgation of sharīʿah will be an exercise in futility; and the regimen of spiritual advancement laid down by God will be disturbed. That is why

---

1 Vide *al-Mīzān,* (Eng. transl.), vol. 1. [Trans.]

2 Vide exegesis of the verse 221 of ch.2, *ibid.* vol. 3. [Trans.]

God has said: "to whomsoever He pleases". It also shows that for every sin punishment must be given to at least some of its perpetrators; otherwise its prohibition would be futile. This observation does not go contrary to the generality of the verses of forgiveness; we are talking, not about comprehensiveness of the promise, but about its actual occurrence. After all, many sins are committed by those who definitely shall not be forgiven because of polytheism or other reasons.

The meaning, therefore, is as follows:

Surely God does not forgive that any thing should be associated with Him, be it done by a polytheist or an unbeliever; He forgives other sins (besides polytheism) through intercession of a good servant or a good deed; yet He is not bound to forgive every sin of this kind to every sinner; it is for Him to forgive or not to forgive; and whatever He decides is based on reason.

أَلَمْ تَرَ إِلَى الَّذِينَ يُزَكُّونَ أَنْفُسَهُمْ ۚ بَلِ اللَّهُ يُزَكِّي مَنْ يَشَاءُ وَلَا يُظْلَمُونَ فَتِيلًا ﴿٤٩﴾

(4:49) ***Have you not seen those who attribute purity to themselves? Nay, Allah purifies whom He pleases; and they shall not be wronged the husk of a date-stone.***

al-Rāghib has said:

> *al-Zakāt* basically denotes the growth emanating from divine blessing ... There are two ways for a man to attribute purity to himself: One is through [good] deeds; it is praiseworthy, and the verse, *He indeed shall be successful who purifies himself* [87:14], refers to it. The other is by words, e.g., attesting to another person's justice and probity. Such praise, if done for himself, is considered immoral. God has clearly prohibited it: *therefore do not attribute purity to your souls* [53:32]. In this way, God teaches good manners to man, because his praise for himself is repugnant in reason and sharīʿah both. A wise man was asked: 'What is repulsive, even if true?' He said: 'Man's praising his own self.'

The verse is a part of the series describing the conduct of the People of the Book. Obviously it was the People of the Book—or a group of them—who attributed purity to themselves. Here they have not been identified as "People of the Book", because it is not compatible with the knowledge of

God's revelation to indulge in such contemptible acts. Those who persist in it have no connection with the Book or its knowledge.

This explanation is supported by their boasting quoted by God in His Book: *We are the sons of Allah and His beloved ones* (5:18*); Fire shall not touch us but for a few days* (2:80). Also their claim of being God's friends, as alluded to in 62:6, *Say: "O you who are Jews, if you think that you are the friends of Allah to the exclusion of other people ..."* The verse under discussion, thus, speaks about the Jews; and is another testimony to the fact described in the preceding verses that they are too arrogant to submit to the truth or to believe in revelation sent by God; the divine curse has engulfed them from all sides; and all this is a result of their self-complacency and self-praise.

... Nay, Allah purifies whom He pleases: The talk turns from their attribution of purity to themselves and rebuts it, by declaring that purifying someone is one of the exclusive prerogatives of God. A man may possibly acquire excellence and achieve a sort of spiritual superiority. But he cannot rely on it, cannot be self-complacent on its account, unless he thinks that he is totally independent and needs no help from God. This is tantamount to the claim of divinity; he associates himself with the Lord of the universe. But how can poor man, who does not control any harm or benefit for his own self, nor has any say about his death or life, be independent of God in any good or excellence? Man in his own self and in all his conditions belongs exclusively to God—without any exception; this includes the good he thinks he has got and all things concerning that good. Now is there anything left for man to call his own?

This vanity and conceit—which incites man to attribute purity to himself—is the self-appreciation which is a fundamental evil. Very soon such a conceited person falls in another vice, and that is pride. That pride reaches its limit when he overpowers others, subjugating the servants of God. It leads to oppression and unlawfully exceeding the limit, sacrilege of inviolable matters, and plunging his hands in other people's blood, honor and properties.

This happens when only an individual is inflicted with this spiritual malady. But if it infects others and turns into a social tradition and national character, then it brings catastrophe in its wake resulting in humanity's destruction and society's corruption. It is the trait God attributes to the Jews when they said: *There is not upon us in the matter of the unlearned people any way (to reproach)*, (3:75).

No man should attribute to himself any praiseworthy characteristic, no matter whether the claim be true or false. It is not he who owns those characteristics for himself; they actually belong to God. God is the real owner of all that He has entrusted to man; it is He Who bestows superiority to whomsoever and in whatever way He pleases. It is His prerogative to purify whomsoever He pleases by bestowing on him superiority and grace; and to announce that servant's purity by extolling and praising him for his perfect virtues. He says about Adam and Noah: *Surely Allah chose Adam and Noah* (3:33); about Abraham: *surely he was a truthful (man), a prophet* (19:41); and the same sentence has been used about Idrīs in 19:56. He says about Jacob: *and surely he was possessed of knowledge because We had given him knowledge* (12:68); about Joseph: *surely he was one of Our sincere servants* (12:24); about Moses: *surely he was one purified, and he was a messenger, a prophet* (19:51); about Jesus: *worthy of regard in this world and the hereafter and of those who are made near (to Allah)* (3:45); about Solomon: *most excellent the servant! Surely he was frequent in returning* (to God) (38:30); and the same sentence is used about Job in 38:44. Again he directs Muḥammad to say: *Surely my Guardian is Allah, Who revealed the Book, and He takes in hand (the affairs of) the good ones* (7:196); and extols him in these words: *And most surely you are on sublime morality* (68:4). Similar extolling phrases may be seen regarding a number of prophets in chapters 6, 19, 21, 37, 38 and so on.

In short, the right to purify someone is reserved for God. Nobody shares it with Him; anyone trying to do it starts from injustice and ends at injustice, while God purifies with truth and justice in true measure without excess or shortfall. That is why the words, "God purifies whom He pleases", have been followed by the statement, *and they shall not be wronged the husk of a date-stone,* which gives a sort of reason for above. It appears from the context that the divine purification mentioned here refers to praise in words, to verbal attribution of excellence to good servants—although the phrase is general and, if not seen within this context, could encompass actual purification as well as the praise in words.

... and they shall not be wronged the husk of a date-stone: *al-Fatīl* on paradigm of *al-faʿīl* is derived from *al-fatl* (to twist together, to entwine) and means, entwined. It is also interpreted as the husk found in the furrow of, or inside, a date-stone. It is narrated in traditions of the Imams of Ahl al-bayt that it is the spot on date-stone *al-naqīr* (tiny spot on a date-stone) *al-qitmīr* (pellicle enveloping a date-stone). Also it is said to

mean dirt twisted worm-like with fingers. Anyhow it alludes to something utterly worthless.

The verse proves two things:

1) No one having any excellence should be proud of it, nor should he indulge in self-appreciation. Rather it is an exclusive prerogative of God, as the verse says, to purify those who deserve it. Let alone self-praise, the verse obviously indicates that one should not attribute excellence even to other virtuous persons, except in the way God has praised them. It follows that excellence is only that which God has praised and extolled. Any excellence that is not recognized by religion as such is not excellence at all. It does not mean that people should ignore other persons' virtues and excellence; nor that they should not recognize others' superiority or refuse to give due respect to them. The virtues and excellence given by God are among the signs of God about which God says: *and whoever respects the signs of Allah, this surely is (the outcome) of the piety of hearts* (22:32). Accordingly, it is incumbent on an ignorant one to submit to a scholar, to accord him respect, as in this way he shall be following the truth. God has said: *Say: "Are those who know and those who do not know alike?"* (39:9). At the same time, the scholar is not allowed to brag of his knowledge or to indulge in self- praise. The same applies to all genuine human virtues.

2) Some of our 'research scholars', following a western ideology, have written that self-reliance is a valuable human virtue. But it is something that religion does not recognize, nor does it conform to the Qur'anic taste. What the Qur'an teaches on this subject is reliance on God, getting strength from God. The Qur'an says: *Those to whom the people said: "Surely men have gathered against you, therefore fear them"; but this only increased their faith, and they said: "Allah is sufficient for us and most excellent Protector is (He)* (3:174); *that the power is wholly Allah's* (2:165); *surely might is wholly Allah's* (10:65). There are many verses of the same connotation.

انْظُرْ كَيْفَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ ۖ وَكَفَىٰ بِهِ إِثْمًا مُبِينًا ﴿٥٠﴾

(4:50) ***See how they forge the lie against Allah, and this is sufficient as a manifest sin.***

Their self-praising—that they were children of God, and His beloveds and friends, etc.—is a lie against God, as God has not given them such distinction. Moreover, attribution of an excellence to oneself is in itself

a lie against God, even if the claim be true, (as was described above); because it is tantamount to associating oneself with God, while He has no associate or partner in His Kingdom, as the Qur'an says: *and He has not a partner in the Kingdom* (17:111).

Even if there were no evil other than its being a lie against God, it would have been enough as a manifest sin. It is absolutely appropriate to call it a sin. Sin is a condemnable act which prevents man—or delays him—from achieving goodness; and this disobedience is a branch of polytheism which keeps man away from divine mercy. The same condition prevails in polytheism which throws man into disbelief. Compare the clause under discussion with the preceding verse, where the declaration, "Surely God does not forgive that any thing be associated with Him, ...", has been followed by the clause, "and whoever associates any thing with God, he devises (or, forges) indeed a great sin."

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِنَ الْكِتَابِ يُؤْمِنُونَ بِالْجِبْتِ وَالطَّاغُوتِ
وَيَقُولُونَ لِلَّذِينَ كَفَرُوا هَٰؤُلَاءِ أَهْدَىٰ مِنَ الَّذِينَ آمَنُوا سَبِيلًا ﴿٥١﴾
أُولَٰئِكَ الَّذِينَ لَعَنَهُمُ اللَّهُ ۖ وَمَنْ يَلْعَنِ اللَّهُ فَلَنْ تَجِدَ لَهُ نَصِيرًا ﴿٥٢﴾

(4:51-52) ***Have you not seen those to whom a portion of the Book was given? They believe in idols and false deities and say of those who disbelieve: "These are better guided in the path than those who believe". Those are they whom Allah has cursed, and whomever Allah cursed you shall not find any helper for him.***

al-Jibt (translated here as idol) and *al-jibs* means a thing which has no good in it. It has also been interpreted as 'any thing that is worshipped other than God'. *al-Tāghūt* (translated here as false deity) is, like *al-tughyān* (to exceed proper limits; oppression) a *masdar* which is generally used as an active particle. This too is said to mean anything which is worshipped other than God. The verse points to an event in which some People of the Book had supported the unbelievers against the believers, saying that the polytheists' path was more correct and more straight than that of the believers. They said it while they knew that the believers followed a monotheistic religion revealed in the Qur'an which verified their own revelation; and that the polytheists believed in idols and false deities. This judgment was an acknowledgement by them that the polytheists had a

share in the truth. By assigning truth to idols and false deities they had committed polytheism—they had shown their belief in those false deities which God has accused them of, and then cursed them, saying: "These are they whom God has cursed ..."

This supports what has been narrated (about the cause of its revelation) that the Meccan polytheists had asked some People of the Book to adjudge between them and the believers as to whose religion was better; and they had decided in the polytheists' favor against the believers, as will be narrated under "Traditions".

The verse mentions their having been given a portion of the Book, to put more emphasis on their condemnation. They were supposed to be scholars of the Book which had exposed the falsity of idols, etc.; what could be more abominable, more disgraceful for such people than believing in idols and false deities?

أَمْ لَهُمْ نَصِيبٌ مِنَ الْمُلْكِ فَإِذًا لَا يُؤْتُونَ النَّاسَ نَقِيرًا ﴿٥٣﴾

(4:53) ***Or have they a share in the Kingdom? But then they would not give to people even the speck in the date-stone.***

al-Naqīr on paradigm of *faʿīl*, has the connotation of *al-manqūr* (tiny amount pecked from earth by a bird). Its another meaning has been written earlier under verse 49.

Some exegetes have said that the particle 'or' is unrelated to the preceding sentences. It therefore means 'rather'; and the interrogative implies refutation. The meaning: Rather, do they have a share in the kingdom? That is, they do not have any share.

Others have said that 'or' alludes to a deleted but understood clause. The meaning: Do they have more right of prophethood, or do they have a share in the kingdom? But it has been rebutted by others, saying that such deletion is allowed only in poetry, because of restrictions of meter; and there is no such limitation in the Qur'an.

Apparently, 'or' is related; and the omitted alternative is the one to which the preceding verse (*Have you not seen those to whom a portion of the Book was given?*) points. The meaning therefore will be as follows: Do they have right to judge in any way they like, or do they have a share in the kingdom, or do they envy the people? This interpretation shows that all three questions are well-connected and the speech well-organized. Kingdom denotes authority over material and spiritual affairs. It

encompasses the 'kingdom' of prophethood, mastership and guidance, as well as that of people and property. This comprehensiveness is inferred from the preceding and following sentences. The preceding verse points to their claim that they could issue judgment against the believers; in other words, they had authority over spiritual matters. The ending clause,"But then they would not give to people even the speck in the date-stone", refers to control over material things (or over all things including material ones). Therefore, "the kingdom" in the verse covers both material and spiritual authority.

The meaning, therefore, will be as follows: Do they have any share in the kingdom of prophethood, mastership and guidance, etc., which God has bestowed on His Prophet? Had it been so, they, because of their miserliness and evil nature, would not have given to the people even insignificant and worthless things. It is nearer in meaning to the verse 17:100; *Say: "If you control the treasure of the mercy of my Lord, then you would withhold (them) from fear of spending."*

أَمْ يَحْسُدُونَ النَّاسَ عَلَىٰ مَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ ۖ فَقَدْ آتَيْنَا آلَ إِبْرَاهِيمَ الْكِتَابَ وَالْحِكْمَةَ وَآتَيْنَاهُمْ مُلْكًا عَظِيمًا ﴿٥٤﴾

(4:54) *Or do they envy the people for what Allah has given them of His grace? So indeed We have given to Abraham's progeny the Book and the wisdom, and We have given them a grand kingdom.*

It is the last of the three alternatives. The question is addressed to the Jews refuting their statement that the religion of polytheists was better guided and more upright than that of the believers'. In this context "the people" refers to the believers; and "... what God has given them of His grace" to the prophethood, the Book and the religious knowledge and realities. But the next sentence, *So indeed We have given to Abraham's progeny the Book and the wisdom ...,* restricts the word, 'people', to the progeny of Abraham; thus "the people" would mean the Prophet; because whatever divine grace, mentioned in the verse, was given to others, had come through him and by his blessings. It was already explained under the verse, *Surely Allah chose Adam and Noah and the descendants of Abraham ...* (3:33), that "the descendants of Abraham" refers to the Prophet and his progeny. There is no difficulty in using the word 'people' for a single person, as it is a usual style of allusion. You say to someone who

always gives you trouble: Why do you trouble people? What have you got to do with people? By the word 'people', you mean your own self.

... So indeed We have given to Abraham's progeny the Book and the wisdom: The sentence makes them despair in their envy, cutting off all hopes that this divine grace might be removed from Muḥammad, that this bounty might be taken back. God has already given to Abraham's descendants whatever He intended to give them of His grace, bestowed on them of His mercy as He was pleased to. Now, let them die in their desperation; their envy will not avail them anything. It shows that Abraham's descendants may mean either the Prophet and his progeny (from among the descendants of Ishmael) or all his descendants through Ishmael and Isaac, in order that it may include the Prophet who was the one envied by the Jews. But it cannot mean the Children of Israel from among Abraham's descendants; otherwise, the speech will become topsy-turvy, confirming the Jews in their envy of the Prophet, or of the believers (as the Prophet was among them). Obviously it would ruin the whole argument.

Also it is obvious from this sentence, as we have written above, that the envied people are from the progeny of Abraham, and it supports the view that the word, "the people", refers to the Prophet. As for the believers, not all of them were from the progeny of Abraham, nor was there any superiority for the believers of his progeny over those who were not his descendants. The verse therefore cannot be applied to the believers. Also, mere believing in, and following, the religion of Abraham does not entitle the believers to be named, "descendants of Abraham". Likewise, the verse, *Most surely the nearest of people to Abraham are those who followed him and this Prophet and those who believe* (3:68), shows the nearness of the believers to Abraham, but does not make them his descendants. Rather, by referring to them as *those who followed him,* (and not as his progeny), it proves that unrelated believers cannot be called as "descendants of Abraham".

The Abraham's progeny, therefore, refers either to the Prophet alone, or to him together with his (Prophet's) progeny and his grandfather, Ishmael and others like him.

... and We have given them a grand Kingdom: It has already been explained that, in the light of the context, the kingdom here has a comprehensive meaning which encompasses spiritual authority including prophethood and real mastership over the people's guidance. It should be kept in mind that God does not attribute grandness and greatness to

worldly kingdom if it does not lead to spiritual superiority or religious excellence.

This interpretation is also supported by the fact that God has not mentioned prophethood and mastership when enumerating His grace to the progeny of Abraham (*So indeed We have given to Abraham's progeny the Book and the wisdom*). It makes it certain that the prophethood and the mastership are included in the comprehensive term, "grand kingdom".

فَمِنْهُمْ مَنْ آمَنَ بِهِ وَمِنْهُمْ مَنْ صَدَّ عَنْهُ ۚ وَكَفَىٰ بِجَهَنَّمَ سَعِيرًا ﴿٥٥﴾

(4:55) ***So of them is he who believes in him, and of them is he who turns away from him, and hell is sufficient to burn.***

As translated here, the contrast between the two sides is clear and needs no further elaboration. But the latter clause may also be translated as follows: and of them is he who prevents (others) from (believing in) him. In that case, it would indicate that the Jews were not satisfied with just refusing to believe in Muḥammad; they endeavored their utmost to hinder people from coming to the way of God and believing in the revelation sent to the Prophet.

... and hell is sufficient to burn: It threatens them with burning in hell because they prevented people from believing in the Divine Book, and started the fire of mischief against the Prophet and the believers.

إِنَّ الَّذِينَ كَفَرُوا بِآيَاتِنَا سَوْفَ نُصْلِيهِمْ نَارًا كُلَّمَا نَضِجَتْ جُلُودُهُمْ بَدَّلْنَاهُمْ جُلُودًا غَيْرَهَا لِيَذُوقُوا الْعَذَابَ ۗ إِنَّ اللَّهَ كَانَ عَزِيزًا حَكِيمًا ﴿٥٦﴾ وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ سَنُدْخِلُهُمْ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا أَبَدًا ۖ لَهُمْ فِيهَا أَزْوَاجٌ مُطَهَّرَةٌ ۖ وَنُدْخِلُهُمْ ظِلًّا ظَلِيلًا ﴿٥٧﴾

(4:56-57) ***(As for) those who disbelieve in Our signs, We shall make them enter fire; so oft as their skins are thoroughly burned, We will change for them other skins, that they may taste the chastisement; surely Allah is Mighty, Wise. And (as for) those who believe and do good deeds, We will make them enter gardens beneath which rivers flow, to abide in them for ever; they shall have therein pure mates, and We shall make them enter a dense shade.***

Then God describes as to how the hell is sufficient for them; He says: *(As for) those who disbelieve in Our signs, We shall make them enter fire.* It goes on giving a description of their burning which also gives its reason It is followed by the verse, *And (as for) those who believe and do good deeds, We will make them enter garden ...* Thus the contradistinction between the two groups—those who believe in him and those who turn away, and hinder others, from him—becomes crystal clear; showing that they are poles apart so far as the happiness and unhappiness of the life hereafter is concerned; for one group are the gardens and their dense shade; for the other, blazing fire of the hell and roasting in it—May God protect us from it.

The meaning of the verses is quite clear.

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾

(4:58) ***Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with what is excellent; surely Allah is Seeing, Hearing.***

The second clause, "and when you judge ...", has a clear connection with the preceding verses. The divine speech in those verses revolves around the Jews' judgment that the polytheists were better guided in path than the believers. God had mentioned in that verse that they were given a portion of the Book; and the Book clearly explains the divine signs and religious realities. It was a divine trust for which God had made them promise that they would teach it to people and not hide it from eligible persons.

These associations support the view that the word, 'trusts', has a wider meaning that covers material as well as spiritual trusts like true divine knowledge whose scholars are obliged to convey it to deserving persons.

In short, the Jews betrayed the divine trust they were entrusted with, i.e., they hide the knowledge of monotheism and the prophecies of Muḥammad's advent, and did not disclose them when the time came. Not only that, they perverted justice when they adjudged between the believers and the polytheists, deciding in favor of idolatry against monotheism.

Because of all this perfidy, they were cursed by God and it pushed them to the blazing fire of hell. Now, the style changes from first person to third person, commanding people to hand over the trusts to their rightful owners and to do justice in judgment. "Surely God commands you to make over trusts to their owners and that when you judge between people you judge with justice; "

Of course, here we have extended the meaning of handing back the trust and deciding with justice; but it was done because of the context, as you have seen.

Objection: It is a deviation from the apparent meanings of trust and judgment. What one immediately understands from this verse is that it ordains two laws—obligation of handing back trusts to their owners and of a *qādī* to judge with justice.

Reply: General legislation cannot be restricted to the rules of *fiqh* (Islamic jurisprudence). For example, the Qur'an has given general order making it obligatory to make over trusts and to do justice while giving judgment. A jurisprudent infers from it the laws concerning monetary trust and judgment of cases. Likewise, a scholar of theology finds in it reference to fundamentals of religion; and so on.

Examining Narrations

(1) Ibn Ishāq, Ibn Jarīr, Ibn al-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his *al-Dalāʾil*) have narrated from Ibn ʿAbbās that he said: "Rifāʿah b. Zayd b. al-Ṭābūt was one of the Jewish leaders; when talking to the Messenger of God, he used to twist his tongue, and say: 'Give us your ear, O Muḥammad! so that we may explain to you.' Then he attacked Islam and criticized it. So God revealed about him: *Have you not seen those to whom a portion of the Book was given?. so they shall not believe but a little*". (*al-Durr al-Manthūr*)

(2) Ibn Jarīr and Ibn Abī Hātim have narrated from al-Suddī, that he said about the verse, *O you who have been given the Book! Believe* "It was revealed about Mālik b. al-Sayf and Rifāʿah b. Zayd b. al-Ṭābūt from Banū Qaynuqāʿ " (*ibid.*)

(3) Ibn Ishāq, Ibn Jarīr, Ibn al-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his *al-Dalāʾil*) have narrated from Ibn ʿAbbās that he said: "The Messenger of God had a talk with some great Jewish rabbis including ʿAbdullāh b. Sūriyā and Kaʿb b. Asad. He said to

them: 'O Jewish people! Fear God and accept Islam; for, by God! You surely know that what I have brought to you is certainly true.' They said: 'We do not know it, O Muḥammad!' Then God revealed about them: *O you who have been given the Book! believe that which We have revealed …,*" (*ibid.*)

Author's comments: Obviously the noble verses were revealed about the Jews (among the People of the Book), as has been explained earlier. But the above-quoted reasons of revelation are no more than attempts to apply the verses to some known persons—as is the case with most of traditions purporting to give reason of revelation; and God knows better.

(4) al-Nuʿmānī has narrated through his chain from Jābir a long *hadīth* from al-Bāqir, describing the uprising of al-Sufyānī, which *inter cilia* says: "And the commander of al-Sufyānī's army will come down in a desert; and a caller will call from the heaven: 'O desert! destroy these people.' So they will be sunk into ground, and none will escape except three persons; God will turn their faces to their back-side; and they will be from (the tribe of) Kalb. It is about them that the verse was revealed: *O you who have been given the Book! believe that which We have revealed, verifying what you have, before We alter faces then turn them on their backs, ...*" (*Tafsīr al-Burhān*).

Author's comments: A similar tradition has been narrated by al-Mufīd through his chain from Jābir from al-Bāqir.

(5) [al-Sadūq] has narrated through his chains from Thuwayr from his father that ʿAlī said: "No Qur'anic verse is dearer to me than the words of [God] the Mighty, the Great: *Surely Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases.*" (*Man lā yahduruh al-faqīh*).

Author's comments: [al-Suyūtī] has narrated it in *al-Durr al-Manthūr* from al-Fariyābī and al-Tirmidhī (who has said that it was a 'good' tradition) from ʿAlī. Ibn Jarīr and Ibn Abī Hātim have narrated from Ibn ʿUmar that he said: "When the verse was revealed: Say: 'O my servants! who have acted extravagantly against their own souls, do not despair of the mercy of God, surely God forgives the faults altogether ...' [39:53], a man stood up and said: 'And polytheism? O Prophet of God!' The Prophet disliked that (question); and then said: *Surely Allah does not forgive that any thing should be associated with Him ...*" (*al-Durr al-manthūr*)

(6) Ibn al-Mundhir has narrated from Abū Mijlaz that he said: "When the verse was revealed, *Say: 'O my servants! who have acted extravagantly against their own souls',* the Prophet stood on the pulpit and recited it before the people. A man stood up and said: 'And associating something with God?' [The Prophet] remained silent. [This happened] two or three times. Then this verse was revealed: *Surely Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases* ... But that was included in [the chapter of] *al-Zumar* [The Companies] and this in *al-Nisāʾ* [The Women]." (*ibid.*)

Author's comments: It has already been explained that the verse of *al-Zumar* [39:53], in the context of the verses following it, clearly speaks about forgiveness through repentance. There is no doubt that repentance erases all sins including polytheism; and the verse under discussion [4:48] deals with something other than repentance. There is no contradiction between the two, and there is no reason to suppose that either of them abrogates or restricts the other.

(7) There is a tradition on this verse in *Majmaʿ al-Bayān,* narrated from al-Kalbī which says: "It was revealed about certain polytheists, Wahshī and his companions. It so happened that when he killed Hamzah—and he was promised emancipation in exchange of Hamzah's murder, which was not fulfilled. When he came (back) to Mecca, he felt remorse for his action—he and his companions. So they wrote to the Messenger of God: 'We are sorry for what we have done; and nothing prevents us from (accepting) Islam except that we had heard you saying when you were at Mecca: *And they who do not call upon another god with Allah and do not slay the soul which Allah has forbidden except in the requirements of justice, and (who) do not commit fornication, and he who does this shall find a requital of sin* ... [25:68]. But we have called upon another god with God, and killed the soul which God had forbidden, and committed fornication. Had there not been this snag, we would certainly have followed you.' Thereupon the following [two verses] were revealed: *Except him who repents and believes and does a good deed ... he surely turns to Allah a (goodly) turning* (25:70–71)

"The Messenger of God sent these (verses) to Wahshī and his companions. On reading it, they wrote back to him, 'This is a

tough condition indeed; we are afraid that we might not do a good deed and, thus, might not be among the people of this verse.' Then the verse was revealed: *Surely Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases* ... The Prophet sent it to them; they read it and (again) wrote to him, 'We are afraid that we might not be among the people (worthy) of His pleasure.' Then came down the verse: *Say: 'O my servants! who have acted extravagantly against their own souls, do not despair of the mercy of Allah; surely Allah forgives the faults altogether.'* [39:53]. [The Prophet] sent it to them. When they read it, he and his companions entered into the fold of Islam, returned to the Messenger of God, and he accepted from them [their conversion to Islam]. Then he said to Wahshī: 'Tell me how did you slay Hamzah?' When he informed him, [the Prophet] said: 'Woe unto thee! Hide yourself from me.' Therefore, Wahshī went away to Syria and remained there until he died."

Author's comments: Also al-Rāzī has quoted it in his *Tafsīr* from Ibn ᶜAbbās. If one ponders on the contexts of the verses which this tradition alleges the Messenger of God to go on writing to Wahshī, he will have no doubt that the 'tradition' was certainly a forgery. The forger wanted people to believe that Wahshī and his companions were forgiven in advance even if they were to commit every big and small sin. He picked up various Qur'anic verses from different places, taking an excepted clause from one place, and a general one from another; while each verse has a separate context of its own, and is inseparable from its preceding and following verses with which it is interlinked, and cannot be looked at in isolation. But the forger dissected and re-arranged them in such a way as to suit this astonishing bargaining between the Prophet and Wahshī. An exegete has aptly commented on this tradition: "It looks as if they want to prove that God, Glorified be He, was flirting with, Wahshī!"

The forger's only motive was to glorify Wahshī with an unprecedented excellence—a firm and irrevocable forgiveness which could not be affected by any sin he chose to commit, any depravity he decided to indulge in. This would result in abolition of punishments for sins; in other words, it would abrogate all system of sharīᶜah, freeing mankind from all responsibilities, as the Christians think. Rather it would be more ignominious, because the Christians have abolished the sharīᶜah in exchange of the sacrifice of a person like Jesus Christ, while this forger wants to abolish

it just in compliance with Wahshī's desire.

This Wahshī was a slave of Ibn Mutʿim; he killed Hamzah at Uhud and went back to Mecca. When Tāʾif was conquered [after the conquest of Mecca], he accepted Islam; but the Prophet told him, "Hide yourself from me." He went to Syria and lived at Hims. During the reign of ʿUmar he was employed as an account clerk, but was dismissed because of his alcoholism, for which he was flogged several times. He died during the reign of ʿUthmān, reportedly of alcoholism.

(8) Ibn ʿAbd al-Barr has narrated through his chain from Ibn Ishāq, from ʿAbdullāh b. al-Fadl, from Sulaymān b. Yasār, from Jaʿfar b. ʿAmr b. Umayyah al-Damrī that he said: "I went out (on a journey) with ʿAbdullāh b. ʿAdiyy; we passed through Hims, and Wahshī was there. We thought, why not go to him and ask him how he had killed Hamzah. We met someone while we were enquiring about him. That man said, 'He is a man worsted by liquor; if you find him in sober condition you will find him an eloquent person who will tell you whatever you want from him; but if you find him in another condition, leave him alone.' So we proceeded until we came to him." (The report continues with description of Wahshī's killing of Hamzah in the battle of Uhud.) (*al-Istīʿāb*).

(9) Mutrif b. Shakhīr narrates from ʿUmar b. al-Khattāb that he said: "In the days of the Messenger of God, when one of us died committing a major sin, we used to testify that he was among the inmates of fire; until this verse was revealed—then we refrained from (such) testimonies." (*Majmaʿ al-Bayān*)

(10) Ibn al-Mundhir has narrated through al-Muʿtamar b. Sulaymān from Sulaymān b. ʿUtbah al-Bāriqī that he said: "Ismāʿīl b. Thawbān told us, 'I went to the mosque before the great plaque, and heard them saying: *And whoever kills a believer intentionally, his punishment is hell;...* [4:93]. The Emigrants and the Helpers then said, "Hell is firmly decreed for him." But when the verse [4:48] was revealed: *Surely Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases;* they said, "Whatever God intends; God does what He pleases." ' " (*al-Durr al-manthūr*)

Author's comments: Also a nearly similar tradition has been narrated from Ibn ʿUmar through several chains. But there is something wrong in

all these traditions. We do not think that the companions of the Messenger of God in general were so ignorant as not to understand that this verse (*Surely Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases*) adds nothing new to the verses of intercession, as was described earlier. Nor could they be oblivious of the fact that most of the verses of intercession were long ago revealed at Mecca. For example,*And those who they call upon besides Him have no authority for intercession, but he who bears witness of the truth and they know* (43:86). Likewise, there are verses in chapters 10, 20, 21, 34, 53 and 74; all of them are of the Meccan period and all prove intercession, as explained earlier. These verses cover all sins; they lay down only two conditions: One on the part of the candidate of intercession, that he should be following the religion approved by God, that is, monotheism and rejection of polytheism; the other on the side of God that He forgives whomsoever He pleases. In short, they say that divine forgiveness encompasses all sins (except polytheism) depending on the pleasure of God. This is exactly what this verse says: *Surely Allah does not forgive that ... and forgives what is besides that to whomsoever He pleases.*

Now we come to those verses which threaten one who kills a believer without legal justification, or eats interest, or misbehaves towards relatives, with abiding punishment of fire. For example, *And whoever kills a believer intentionally, his punishment is hell; he shall abide in it, and Allah will send His wrath on him ...* (4:93); about interest: *and whoever returns* (to it)*—these are the inmates of fire; they shall abide in it* (2:275); about those who cut asunder the relationship: *upon them shall be curse and they shall have the evil (issue) of the abode* (13:25). There are other verses of the same import; and all of them issue threat of evil consequences of sin and mention the hell as the recompense. Yet there is no clear declaration in them that it is a firmly-decreed punishment which cannot be changed or waived.

In short, the verse under discussion (4:48) does not contain anything more than the verses of intercession; and there was no reason for the companions to behave in the way they are reported to do. They could not have thought that the verses of major sins ordained irrevocable punishment of fire, so that they could testify for a perpetrator of a major sin that he was among the inmates of fire. Nor was it possible for them to understand from the verse 4:48 (the verse of forgiveness) what they had not already understood from the verses of intercession. How could they say that this verse had abrogated or restricted the verses of major sins?

Even one of these traditions gives the same indication. al-Suyūtī has narrated from Ibn al-Durays, Abū Yaʿlā, Ibn al-Mundhir and Ibn ʿAdiyy, through correct chains from Ibn ʿUmar that he said: "We used to refrain from asking (from God) forgiveness for perpetrators of major sins, until we heard from our Prophet, *Surely Allah does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases.* And he (the Prophet,) said, 'I have saved my prayer (and) my intercession for the people of major sins of my *ummah*.' Therefore, we stopped from many things that were in our minds, and we talked and entertained hope (for sinners)." (*al-Durr al-Manthūr*).

This tradition apparently shows that the companions understood the same thing from the verse of forgiveness which they did from the hadīth of intercession. Yet one question remains: How was it that they understood the possibility of forgiveness for major sins from the hadīth of intercession, but had not understood the same from the Meccan verses of intercession, in spite of their numerousness, and clarity of meaning, when they were revealed years ago? I don't know.

(11) There is a tradition about the verse, *Have you not seen those to whom a portion of the Book was given? ... better guided in the path than those who believe,* narrated by al-Bayhaqī (in the *al-Dalāʾil*) and Ibn ʿAsākir (in his *al-Tārīkh*) from Jābir b. ʿAbdillāh that he said, "When the affairs of the Prophet reached the stage they did, Kaʿb b. al-Ashraf withdrew himself and arriving at Mecca stayed there and said, 'I will not help (anyone) against him (that is, the Prophet) nor will I fight him.' He was asked in Mecca, 'O Kaʿb! Is our religion better, or that of Muḥammad and his companions?' He replied, 'Your religion is better and older, while Muḥammad's religion is new.' Then the verse was revealed about him: *Have you not seen those to whom a portion of the Book was given? ...*" (*al-Durr al-Manthūr*)

Author's comments: There are various traditions giving the reason of its revelation in different ways, the soundest of which is the above-quoted one. But all agree on the basic fact, that some Jews had delivered judgment in favor of the Quraysh against the Prophet that the former's religion was better than the Tatter's.

(12) al-Shaykh has narrated through his chain from Jābir about the verse, *Or do they envy the people for what Allah has given them of His grace?,* that al-Bāqir has said, "We are the people." (*Tafsīr*

al-Burhān)

(13) [al-Kulaynī] has narrated through his chain from Barīd that al-Bāqir said in a *hadīth, inter alia,* about this verse, "We are the envied people." (*al-Kāfī*)

Author's comments: This meaning has been narrated from the Imāms of Ahl al-bayt through numerous, nearly *mutawātir* chains, which are found in the books of Shīʿite tradition, like *al-Kāfī, al-Tahdhīb, Maʿāni al-akhbār, Basāʾir al-darajāt, al-Tafsīr* of al-Qummī, al-ʿAyyāshī and others.

(14) There are also traditions from the Sunnī chains which give the same meaning. Ibn al-Maghāzilī has narrated a *marfūʿ hadīth* from Muḥammad b. ʿAlī al-Bāqir (peace be on both) that he said about this verse: "We are the people, by God!"

(15) al-Suyūtī has narrated from Ibn al-Mundhir and al-Ṭabarānī through ʿAtāʾ that Ibn ʿAbbās said about this verse, "We are the people, to the exclusion of (other) people." (*al-Durr al-Manthūr*)

(16) The same book narrates from ʿIkrimah, Mujāhid, Muqātil and Abū Mālik that "the people" means the Messenger of God. We have explained that apparently "the people" refers to the Messenger of God; and that his Ahl al-bayt are joined to him.

(17) Humrān has narrated about the verse, *So indeed We have given to Abraham's progeny the Book and the wisdom, and We gave them a grand kingdom,* that al-Bāqir has said: "The Book means 'prophethood'; the Wisdom refers to 'understanding and judgment'; and the grand Kingdom is 'obedience'. (*al-Tafsīr,* al-ʿAyyāshī).

Author's comments: Obedience means their obedience which is obligatory on the *ummah,* as has been explained in traditions. There are a lot of traditions giving this interpretation; some of which explain the 'obligatory obedience' as the Imāmate and Caliphate, see for example the one given in *al-Kāfī* through Barīd from al-Bāqir (as.).

(18) The verse, *(As for) those who disbelieve in Our signs ...:* al-Qummī writes in his *al-Tafsīr* that the 'signs' are the Leader of the faithful and the Imāms, peace be on them all.

Author's comments: It is based on the principle of the flow of the Qur'an.

(19) [al-Shaykh] has narrated through his chain from Hafs b. Ghiyāth al-Qādī that he said: "I was in the presence of the noblest of all Jaʿfars, [that is] Jaʿfar b. Muḥammad (peace be on both) when he was (forcibly) brought (to Kūfah from Medina) by al-Mansūr.

Then Ibn Abi al-ʿAwjāʾ, an atheist, came to him and said, 'What do you say about this verse: *so oft as their skins are thoroughly burned, We will change for them other skins, that they may taste the chastisement?* Suppose these skins had disobeyed and were therefore punished; but what about the other (skins)?' Abū ʿAbdillāh said, 'Woe unto thee! It is the same and (yet) it is another.' (Ibn Abi al-ʿAwjāʾ) said, 'I do not understand this reply.' Then he (the Imām) said, 'Suppose a man takes a brick, and breaks it; then pours water on it, kneads it and returns it to its former shape. Isn't it the same (brick) and yet another?' He said, 'Certainly. May God let (us) benefit from you!' " (*al-Majālis*).

Author's comments: It has also been narrated in *al-Ihtijāj,* through Hafs b. Ghiyāth from him; al-Qummī too has reported it without chains in his *al-Tafsīr.* The reply points to the fact that with preservation of the form, the matter remains the same; man's body, like its various organs and limbs, remains the same as long as the man is the same—even if there happen to be some changes in the body.

(20) al-Sādiq was asked about the words of God: *they shall have therein pure mates.* He said, "Pure mates are those who do not menstruate nor do they drop excrement." (*Man lā yahduruh al-faqīh*).

(21) It is narrated from Muḥammad b. Ibrāhīm al-Nuʿmānī through his chain from Zurārah that he asked Abū Jaʿfar Muḥammad b. ʿAlī (peace be on both) about the words of God: *Surely Allah commands you to make over trusts to their owners and that when you judge between the people you judge with justice.* (The Imām) said, "God has commanded the Imām to hand over the trust [that is, the imāmate] to the [next] Imām coming after him; he has no right to keep it from him. Do you not hear the words of God, *and that when you judge between the people you judge with justice; surely Allah admonishes you with what is excellent?* They are the judges, O Zurārah! [God] has addressed it to the judges."

Author's comments: The former part of the hadīth is narrated from the Imāms through numerous chains. The latter part shows that this interpretation is based on the flow of the Qur'an; and that the verse has been revealed concerning general administration of justice and giving everyone his due right. Consequently, it is applicable also to the Imāmate as explained earlier.

(22) A similar interpretation has been narrated [by al-Suyūtī] from

Saʿīd b. Mansūr, al-Fariyābī, Ibn Jarīr, Ibn al-Mundhir, and Ibn Abī Hātim from ʿAlī b. Abī Tālib that he said: "It is incumbent on the Imām to judge according to what God has revealed and to hand over the trusts. When he does so, then it is incumbent on people to listen to him, to obey him and to answer when they are called." (*al-Durr al-Manthūr*)

almizan.org

almizan.org

almizan.org

Verses 59-70

As you may see, the verses are not without some connection with the preceding ones. Beginning from the words, *And worship Allah and do not associate any thing with Him ...* [4:36], the whole speech is directed towards exhorting people to spend in the way of God for strengthening all classes of society and fulfilling the believers' need; and condemning those who refrain, and prevent others, from discharging this obligation; then comes this call to obey God and obey the Messenger and those vested with authority, cutting out the roots of discord and avoiding dispute and disagreement; advising them to refer all disputes—if there be any—to God and His Messenger; they should guard themselves against hypocritical behavior, and must surrender to the decisions of God and His Messenger. This tenor continues until it arrives at verses calling for *jihād,* explaining its underlying reason and ordering the believers to band together in the way of God. All these prepare the believers for fighting in God's way, and put their internal affairs in good shape on a sound basis. Here and there, one or two verses have been revealed in a parenthetical style which have no adverse effect on continuity of speech, as was pointed out under the verse 43: *O you who believe! do not go near prayer when you are intoxicated ...*

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ ۖ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

(4:59) ***O you who believe! obey Allah and the Messenger and those vested with authority from among you; then if you quarrel about any thing, refer it to Allah and the Messenger if you believe in Allah and the last day; this is better and very good in the end.***

After calling the people to worship God alone, and do good to various groups of believers, and condemning those who cast aspersions on this idea or prevent others from God's way, the talk again turns to the basic theme from a different angle, from which grow up other branches. It leads to reinforcing the foundation of Islamic society, as it exhorts and urges

the believers to preserve their unity and to remove every type of dispute or discord by referring it to God and His Messenger.

Undoubtedly, the sentence, "obey God and obey the Messenger", paves the way for the next order to refer all quarrels to God and His Messenger, although the sentence is in fact the basis of all divine laws and sharīʿah. It is obvious from the order, *then if you quarrel about anything, refer it to Allah and the Messenger,* which emanates from this origin; then the speech repeatedly turns to the same theme, as it goes on saying, *Have you not observed those who think that they believe in what has been revealed to you ...;* then again says: *And We did not send any messenger but that he should be obeyed by Allah's permission;* then says: *But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement among them,...*

There should be no doubt whatsoever that when God tells us to obey Him, it means that we must obey Him in all the realities and laws which He has sent to us through His Messenger. As for His Messenger, his orders emanate from either of his two lawful authorities: First: His legislative authority based on divine revelation other than the Qur'an. By this authority, he teaches the people details of what is mentioned in general terms in the Qur'an, and explains all the related matters. God says: *and We have revealed to you the Reminder that you may make clear to them what has been revealed to them* (16:44). Second: What he, in his wisdom, decides in administrative and judicial matters by the authority given him by God. God says: *that you may judge between people by means of that which Allah has taught* [*lit.* shown] *you;* (4:105). It is the opinion with which he used to judge between people according to the laid down judicial laws; and it is the decision he used to take in important affairs. God had told him to consult the people seeking their advice: *and take counsel with them in the affair; but when you have decided, then place your trust in Allah* (3:159). Thus the people would participate in consultation; but the decision would be of the Prophet alone.

The above discourse shows that the Messenger's obedience has a connotation distinct from God's obedience, although the Messenger's obedience is in reality the obedience of God Himself, because it is God who has obliged the people to obey the Messenger, as He has said: *And We did not send any messenger but that he should be obeyed by Allah's permission.* People have to obey the Messenger in what he explains by divine revelation and in what he decides and orders by his divine wisdom.

It is this variation of connotation which has necessitated repetition of the order of obedience: "obey God and obey the Messenger". (And God knows better.) This repetition, however, is not for emphasis, as the exegetes have opined. Had the intention been of emphasis, it would have been more appropriate not to repeat; it would have been more to the point to say, obey God and the Messenger, as it would have implied that obedience of the Messenger is one with the obedience of God; after all, not every repetition shows emphasis.

However, the *ulu al-amr* (those vested with authority) whoever they might be—do not have the privilege of revelation; they decide and act according to what is right in their opinion; and their opinion and order must be obeyed just like the Prophet's opinion and order. That is the reason why God has not mentioned them when He orders the believers to refer their disputes to God and the Messenger. He says: *then if you quarrel about any thing, refer it to Allah and the Messenger if you believe in Allah and the last day.* The people thus ordered are the believers, because the verse begins with the address, "O you who believe!" and the quarrel mentioned here must be an internal dispute among the believers. We cannot suppose that the believers would quarrel with those who are vested with authority when they are obligated to obey them. So this quarrel must be among the believers themselves, and it cannot be in matters of orders issued by those vested with authority;[1] rather it has to be about identification of God's

1 Islamic history belies the assumption that the believers would not quarrel with those vested with authority. What was the reason of all the disputes, wars, bloodshed, oppressions and tortures which have stained the particular affair, as may be inferred from the next verses which condemn those who resort to the judgment of *tāghūt,* preferring it to the judgment of God and His Messenger. A believer must resort in such matters to the religious laws laid down in the Qur'an and the *sunnah;* and both the Qur'an and the *sunnah* are final proofs in all affairs, for him who has the ability to understand the law from them. When the *ulu al-amr* say that this is what the Qur'an and the *sunnah* say on this matter, all argument has to stop. When they talk, theirs is the final word, because the verse makes their obedience compulsory without any restriction or condition; and finally every affair returns to the Book of God and the *sunnah.*

It shows that the people with authority—whoever they might be—have no authority to legislate a new law or to abrogate a rule established by the Qur'an or the *sunnah.* Otherwise, it would serve no purpose to order people to refer their dispute to the Qur'an and the *sunnah,* to God and the Messenger, as

command in a connection with referral of disputes, when He said: *then if you quarrel about any thing, refer it to Allah and the Messenger.* Thus God's obedience is in one category and that of the Messenger and those vested with authority, in another. That is why God has said: "Obey God and obey the Messenger and those vested with authority from among you".

Undoubtedly, the obedience, ordered by the words, "Obey God and obey the Messenger", is general, without any condition or restriction. It proves that the Messenger cannot issue any order or prohibition contrary to God's actual order or prohibition. Otherwise, making his obedience compulsory would be a contradiction in terms on the part of God; far be it from His sublime presence. It necessarily follows that the Messenger was *maʿsūm* (infallible), sinless, free from error.

The same argument applies in case of the persons vested with authority. But the presence of *al-ʿismah* (sinlessness) in the Messenger is independently established by proofs from the reason and the Qur'an and the *sunnah,* without depending on this verse. Apparently, it is not the case with the people vested with authority. Someone therefore could imagine that it was not necessary for these people of authority to be *maʿsūm,* sinless, and that the verse could be explained even without believing in their *ʿismah.*

---

may be inferred from the verse 36 of chapter 33: *And it is not for a believing man or a believing woman to have any choice in their affair when Allah and His Messenger have decided a matter; and whoever disobeys Allah and His Messenger, he surely strays off a manifest straying.* God decides by giving a law; His Messenger decides by elaborating a divine law, giving an order or pronouncing a judgment. As for the persons vested with authority, they have the power, in executive matters, to decide according to their discretion, and in judicial and general matters, to bring to light the decisions of God and His Messenger.

In short, as the *ulu al-amr* have no power of legislation, nor do they have any order other than that which God and His Messenger have given in the Qur'an and the *sunnah,* God did not mention them again in pages of Islamic history, right from the departure of the Prophet to this day, if not the Muslims' rebellion against those vested with authority?

Of course, this premises could be justified if we said that the call, *O you who believe!* was addressed not to the whole Muslim *ummah* (as is usually the case with this phrase), but to the true believers only who might have attained a higher level of faith. But in that case, the area of the *ulu al-amr's* jurisdiction and authority would be reduced to such an extent as to render this order devoid of any importance. Also if common Muslims were excluded from this address, they would have committed no sin by disobeying the Imāms. [Trans.]

The argument could be put forward as follows: "This verse ordains a law aimed at the well-being of the *ummah,* which would protect the Muslim society from internal discord and disunity. It aims at nothing more than what is found in other nations and societies. They give one of their leaders authority to manage their affairs; they pledge to obey him, and his orders are carried out. But they know that he may sometimes contravene the law or err in his judgment. So, when it is clearly known that he was going against the law, he is not obeyed; rather, his error is pointed out to him. But when there is only a possibility—without certainty—that he might be wrong, his orders are obeyed and implemented although in fact he might have decided erroneously. Yet that mistake is tolerated for the sake of maintaining the society's unity, which is more important and would compensate for such mistakes and errors.

"The case of *ulu al-amr* (those vested with authority) mentioned in this verse is not different from other worldly leaders in their authority. God has ordered the believers to obey them. If they give an order contrary to the Qur'an or the *sunnah,* it would be invalid and would not be obeyed; the Messenger of God has said: 'No creature is obeyed in disobedience of the Creator.' This meaning has been narrated by the Shīʿahs and Sunnīs both, and also the generality of the verse proves it. If the *ulu al-amr* commit a mistake, and it is definitely known to be a mistake, it would be changed to conform with the Qur'an and the *sunnah;* but if there is no certainty of mistake, the order would be carried out as if there was no mistake. It would not do any harm to obey such an order and implement it even if in reality it was wrong, because the preservation of the *ummah's* unity and continuance of its power and prestige would compensate for such contravention of the actual divine law. It would not be unlike the established dictum of the Principles of Jurisprudence that the decisions derived from apparent proofs of jurisprudence are binding on man even if they are not in accordance with the actual divine order, although the divine order would not be changed by that man-made decision; and the contrariness would be compensated by underlying good of society.

"In short, it is compulsory to obey the *ulu al-amr,* even if they are not sinless, and could commit mistakes and even debauchery. They shall not be obeyed if they indulge in debauchery; they shall be returned to the Qur'an and the *sunnah* when it is known that they had deviated from them, but in all other cases, their orders shall be obeyed and their decisions enforced. There is no harm in implementing an order which does not

visibly go against actual divine law (even if in reality it does) for the sake of preserving Islamic unity and for the well-being of the Muslim nation."

Comment: If you ponder on what was written earlier, you will realize that this fallacy has no leg to stand on. It is possible to use this 'argument' for restricting the generality of the verse in case of debauchery, by putting forward the above-quoted Prophet's tradition, "No creature is obeyed in disobedience of the Creator", or some Qur'anic verses of the same import, e.g., *Surely Allah does not enjoin indecency* (7:28); and other similar verses. Likewise, comparable cases may be quoted for religious obligatoriness of obeying orders which are apparently binding, like obedience of the commanders of expeditions who were appointed by the Messenger of God, the governors he sent to various places like Mecca or Yemen, or who were left in charge of Medina when he himself went out. Another is the authoritative nature of *mujtahid's* ruling for his followers, and so on.

But all this cannot restrict the generality of the verses in any way. Correctness of a theory is one thing, and its being proved by apparent meaning of a Qur'anic verse is quite another.

The verse proves obligatoriness of these *ulu al-amr's* obedience, without putting any restriction or condition, without attaching any proviso. Nor is there any other Qur'anic verse to limit its generality. In short, there is nothing to show that the order "and obey the Messenger and those vested with authority from among you", implies, 'obey those vested with authority from among you as long as they do not order you to commit a sin or until you are not sure that they are in wrong; but if they tell you to commit a sin, you are not obliged to obey them, and if you are sure of their mistake then correct them by directing their attention to the Qur'an and the *sunnah*.' Certainly the Qur'an's wording does not support this meaning.

Also we should not forget that when ordering people to obey their parents, God has said: *And We have enjoined on man goodness to his parents, and if they contend with you that you should associate (others) with Me, of which you have no knowledge, do not obey them ...* (29:8). It should be noted that parents' obedience is much less important [and is restricted to their off-spring]; yet God has attached to it such a clear and unambiguous proviso. How is it that He did not attach any such condition in the verse of obedience which deals with a fundamental religious principles, and on which depends the felicity of mankind?

Moreover, the verse has joined the Messenger and "those vested with authority" in this order; and mentions both under one obedience: "Obey

the Messenger and those vested with authority from among you"; and the Messenger cannot order sin nor can he issue a wrong judgment. If it were possible for the *ulu al-amr* to be wrong in an order or a judgment, it was highly essential to put suitable restriction on this order as far as the *ulu al-amr* were concerned. Thus, the only way out is to interpret this verse in its general sense without any condition or restriction. This in its turn proves that the *ulu al-amr* were *maʿsūm,* sinless in the same way as the Messenger was—without any difference.

al-Amr in the phrase *ulu al-amr* means the religious or temporal affairs of the believers who have been addressed in this verse; it is also supported by the verse, *and take council with them in the affair* (3:159), or as is said in praise of the pious, *and their system is to take council among themselves* (42:38). Although it may possibly be taken to mean order, which is opposite of prohibition, but it will be a far-fetched interpretation.

This word is qualified with the phrase, *from among you.* Obviously it is an adverbial phrase of place. That is, the *ulu al-amr* will be raised from among you. It is similar to the words of God, *He it is who raised among the Meccans a Messenger from among themselves* (62:2); or the prayer of Abraham, *Our Lord! and raise up in them a Messenger from among themselves* (2:129); or the divine words, *if there come to you messengers from among you, relating to you My communications* (7:35). This explanation leaves no room for the mistaken thought (expressed by someone) that "from among you" indicates that those vested with authority would be normal people like us, as they would be one of us, that is, mere believers without having the distinction of divine *ʿismah* (protection from sins and errors).

Ulu al-amr, being a plural noun, shows that there must be a number of those vested with authority, and it is correct without any doubt. But obviously it is possible for them to come one after another, and the believers would be required to obey the one who manages their affairs at a given time. Thus all of them taken together will be collectively entitled to the believers' obedience, as we say, 'Pray your compulsory prayers and obey your superiors and elders.'

Strangely enough, al-Rāzī has objected to this idea, saying that "it would mean using a plural for singular and that is contrary to a word's apparent usage." It seems he had forgotten that such usage is very common in literature, and the Qur'an itself is full of such verses. For example, *So do not yield to the rejecters* (68:8); *So do not follow the unbelievers* (25:52),

surely we obeyed our leaders and our great men (33:67); *and do not obey the bidding of the extravagant ones* (26:151); *Maintain the prayers* (2:238); *and make yourself gentle to the believers* (15:88) and various other verses containing positive and negative statements, and having declarative as well as exclamatory sense.

It would be against the apparent meaning of a word if a plural was used for only a single individual; but it is not against apparent meaning if it is used for a group of individuals, in a way that it turns into a series of numerous orders. For example, we say, 'Honor the scholars of your town'; meaning: Honor this scholar, and honor that scholar, and so on.

Another suggestion: *Ulu al-amr,* who are entitled to unconditional obedience, may be a group—and may thus be referred to with plural sense. It may be an association of many persons each individual counted as a possessor of authority, inasmuch as he has influence over people and his words are obeyed. For example, army commanders, scholars rulers and community elders. The author of *al-Manār* has suggested that this refers to *ahl al-halli wa al-ʿaqd* (*lit.* those who tie and untie; that is, people having influence and authority), who are trusted by the *ummah;* including scholars, military commanders, leaders in fields of commerce, industry and agriculture, as well as trade-unionists, political leaders, and chief editors of influential newspapers. This is what we mean when we say that *ulu al-amr* means people of influence and authority. It is a collective body of the leaders of the *ummah.*

Comment: The problem is that the complete verse cannot be explained in the light of this suggestion.

As you have seen, the verse proves the sinlessness of the *ulu al-amr;* and even those who support the above suggestion, have to admit that the verse confirms their sinlessness.

The question arises: Who among this body of influential persons is sinless? Is each of its members sinless, so that the collective body could be called sinless? Because a group is but the sum total of the individuals. But it is evident that there never was in this *ummah,* even for a single day, a group of influential people who had authority to jointly manage the Muslim's affairs and whose every member was sinless and free from error. Obviously, it is impossible for God to order us to obey a group which had never existed in reality.

Or does it mean that sinlessness, a real attribute, exists in that collective body as an adjective exists in its qualified noun? Although each

individual member may commit sins, and in common with all other human beings can indulge in polytheism and disobedience, and although the opinion he forms may be erroneous or may lead to sin and straying, but when the said body collectively reaches at a decision it remains safe from mistakes and errors—because the collective body is sinless. But this too is impossible. How can a real attribute, that is, sinlessness, exist in an abstract idea, that is, the collective body? A real attribute cannot stand in a mentally posited idea.

Or, does it mean that sinlessness of this body is attributable neither to its individual members nor to the collective body? That it only signifies that God protects this body in a way it does not order any sin, nor does it arrive at a mistaken decision. Its case is not different from a *mutawātir*[1] information which is protected from falsity, although none of its narrators or informants is sinless, nor is this, freedom from falsity attributed to the chain of narrators when looked at as a composite group. All that it means is that a habit has been formed which prevents falsehood from seeping in that information. In other words, God protects a *mutawātir* information from infiltration of falsehood. In the same way, opinion of *ulu al-amr* is protected from mistakes and errors, although neither the collective body nor its individual members are free from sin and mistake. Nor do they have any special quality or attribute. It is nevertheless safe from falsehood and error, like a *mutawātir* tradition. This is what sinlessness of *ulu al-amr* means. The verse only shows that their opinion is never confused; it is always right and in conformity with the Qur'an and the *sunnah.* It is a special divine providence for this *ummah;* and it has been narrated from the Prophet that he said: "My *ummah* will not unite on error."

Comment: As for this tradition, it is totally irrelevant to this subject. Even if it is accepted as correct, it only says that the *ummah* will not unite on error. It does not say that people of influence and authority from among the *ummah* would not join hands on error. *Ummah* has its own meaning, and *ahl al-halli wa al-ʿaqd* has another; there is no evidence that the former means the latter. Moreover the tradition does not say that whatever they unitedly decided would be free from error; it rather says that they would not be united on error—and the two propositions are not the same.

The tradition accordingly would mean as follows: Never will the entire

---

1 *al-Mutawātir*: A tradition narrated in every stage by so many narrators as to make their collusion for a lie impossible. [Trans.]

ummah unite on error concerning any matter; there will always be among them those who would be on right guidance—either all or some of them, at least the sinless one. It will correspond with the verses and traditions showing that Islam; the religion of truth, would never disappear from the earth, would continue up to the Day of Resurrection. God says:

... therefore if these disbelieve in it, We have (already) entrusted with it a people who are not disbelievers in it (6:89); *And He made it a word to continue in his posterity* (43:28); *Surely We have revealed the Reminder and We will most surely be its guardian* (15:9); *Falsehood shall not come to it from before it nor from behind it; a revelation from the Wise, the Praised One* (41:42).

There are many verses having the same connotation.

Also this is not a speciality of the *ummah* of Muḥammad, because the correct traditions prove otherwise. Look at the traditions narrated from the Prophet through various chains of narrators which describe the division of the Jews into seventy-one sects, of the Christians into seventy-two and of the Muslims into seventy-three sects, all of which would go to hell—except one. We have quoted it in the "Traditions" under the verse, *And hold fast by the cord of Allah all together ...* (3:103).

In short, there is no need to further discuss this tradition, because, even if its chain of narrators be free from defects, it has no relevance to the subject under discussion. We should look at the meaning of sinlessness as applied to the influential people of authority from this *ummah,* if it is they who are referred to as "those vested with authority from among you".

What is the genesis of *ʿismah* (sinlessness) of the influential people of authority among the Muslims? What makes their opinion free from error? This body of influential people which manages the public affairs is not something unique for the Muslim *ummah.* There are found in every big and small nation, and even in the tribes and clans, a number of people who have prestige and influence in their society; and who exercise power and have authority over public affairs. Look into the histories of the ancient people as well as the present nations; you will find countless instances where the people of influence and power unanimously agreed on a course of action about some very important matter and their plan was carried out. Later events sometimes showed the decision was correct; at other times it proved wrong. There is, of course, greater chance of mistake in individual decision than in a collective one; yet there is no guarantee that a decision jointly arrived at after thorough debate and discussion will never

be wrong. History and our own experience provide ample proof for it.

Now, if collective decisions of influential and powerful leaders of Muslim *ummah* are always free from mistakes and errors, we will have to find for it a cause other than the normal ones; it will have to be something supra-natural and miraculous. If so, then it would be a manifest miracle reserved for this *ummah,* which would strengthen their power, defend their land and protect them from all types of mischief that could endanger their unity. In short, such a cause would be a divinely given miracle parallel to the Glorious Qur'an, and it would live as long as the Qur'an lives; it would have the same relation to the practical life of the *ummah* as the Qur'an has to its intellectual one. In that case, it was necessary for the Qur'an to describe its boundary and area; God would have mentioned it as one of His special graces for this *ummah,* as He has done with reference to the Qur'an and Muḥammad. Also, He should have explained to this group its collective responsibilities as He has done in connection with His Prophet. Likewise, the Prophet should have given detailed instructions to his *ummah* concerning this extra-ordinary group, and more particularly to his companions; after all, they were the people who became *ahl al-halli wa al-ʿaqd* after him and took the control of the *ummah* in their hands. The Prophet should have explained about this band which is supposed to be vested with authority what was its reality? What was its boundary? How wide was the area of its jurisdiction? Would there be a single body to rule over the whole Muslim *ummah* in all public affairs? Or would there be separate bodies of *ulu al-amr* in different Muslim societies to rule over their lives, honor and properties?

Also, it was incumbent on the Muslims—and especially the companions—to pay more attention to it. They should have asked questions and gone into its details. They had asked about things which had no importance compared to this basic matter; they had asked about crescent, the things to be spent and war booty, as God has mentioned: *They ask you about crescents* [2:189]; *They ask you as to what they should spend* [2:215]; *They ask you about spoils of war* [8:1].

So why did they never ask about it? Or was it that they had asked but it was manipulated by people and hidden from us? But this meaning was not against the desire of the majority of the *ummah* (which follows the same system) so that we could think that they neglected and discarded it until it was completely forgotten!

Also it should inevitably have been quoted during the disputes and

strifes which had repeatedly erupted after the Prophet's death. What happened to this 'reality' that it was never quoted or referred to in their argumentations and polemics, while the narrators have transmitted all their arguments word by word? Why is it not found in any speech or letter? Why was it not known to the early exegetes among the companions and their disciples until it was 'discovered' by a handful of later writers like al-Rāzī and some who came after him?

Even al-Rāzī has objected to this view after mentioning it. He says that it is against the composite consensus; the phrase, *ulu al-amr* has been explained in not more than four ways: The rightly-guided caliphs, commanders of expeditions, religious scholars and sinless Imāms. This fifth explanation goes against the above composite consensus. Then he has replied that this new explanation is in fact based on the third meaning [that is, religious scholars]. In this way he has destroyed all that he himself had built. It is now clear that things were not like that at all; nobody ever thought it was a noble and unique divine gift to the clique of influential and powerful leaders of the Muslims, which would constitute a great miracle of Islam.

Or do they want to say that this freedom from error did not emanate from any supra-natural cause? Rather, Islam had generally trained its followers so nicely, basing its teachings on such balanced principles, that it was bound to produce this result—that the people of power and influence among this *ummah,* be-cause of this training, make no mistake in their collectively arrived at decisions and do not err in the opinions they form.

First of all, this supposition is wrong because it goes against the common sense. Perception of a whole is the sum total of the perception of its components. When each of them is liable to be wrong, the whole group cannot be safe from error and mistake.

Secondly, if the opinion of the group of influential persons is always correct and free from error, and if this extraordinary feature is based upon such invincible cause, then it should never fail in producing the desired result. Then what else was the cause of all this falsehood, disturbance and mischief which has overfilled the Muslim world?

There were countless gatherings after the Prophet's death, in which influential and powerful leaders of the Muslims collectively decided whatever they thought correct, and followed what in their opinion was the right path; but all this led them to nowhere; they went on blundering into far-reaching errors; their attempts to bring happiness to the Muslims

increased only the *ummah's* misfortune and unhappiness. The society which was based on religion turned soon after the Prophet into an imperialism—oppressive and destructive. Let scholars make in-depth study of the disturbances and mischiefs that raised their head, since the Messenger of God departed from this world; and have a look at what followed. On every page of Islamic history they will find blood spilled, honors defiled, properties looted, religious laws ignored and divinely ordained punishments nullified. Let them look for its origin and discover its roots. Was there any effective cause other than the opinions formed and decisions taken by the powerful and influential leaders, which they had yoked the *ummah* with?

So this is the position of the most important pillar on which they want to build the structure of Islam! This is the effect of the 'opinion' of influential and powerful leaders who, they tell us, are referred to by the words, *ulu al-amr* (those vested with authority), and who, according to them, are free from error in their opinion!

Those who believe that *ulu al-amr* refers to the people of influence and power, have no escape from admitting that those people were not sinless, not free from mistakes and errors. That the *ulu al-amr,* like all other people could be right in some cases and wrong in the others. But inasmuch as theirs was a distinguished group, experienced in public affairs, the ratio of their mistakes was much smaller. God has made their obedience compulsory. Although they could at times be wrong, but God has granted indulgence to such mistakes, keeping in view the overwhelming good emanating from their management of affairs. If they issue an order or give a ruling which contravenes the Qur'an and the *sunnah,* and that order or ruling happens to be congruous with the good of the *ummah*—even if it reinterprets a religious law contrary to what was hitherto done, or changes it to bring it into line with the demands of time or inclinations of the *ummah* or conditions of the modem world—this new verdict will be followed, and religion will recognize it as good.

Why? Because religion aims only at society's happiness and advancement. This attitude is clearly seen in the way the Islamic governments behaved in the early days of Islam as well as later on. Whenever a law prevalent in the Prophet's days was changed or any system established by him discarded, the only reason given was that the law or system was in conflict with one or another right of the *ummah;* and that the good of the nation demanded that a new law should be enforced and a new

system established which would satisfy people's aspirations for blessings of life. A scholar has openly written[1] that a caliph has full authority to act contrary to explicit religious laws if he thinks it to be in the best interest of the *ummah*.

Accordingly, the Muslim nation would not be any different from other civilized societies inasmuch as they all have an elected body which decides the laws of the society keeping in view the demands of the situation at a given time.

This opinion, as you see, is held by those who think that religion is a social system presented in the garb of religion. It is governed by the same factors which govern other human societies leading them on the path of evolution step by step. Islam was a high ideal which was perfectly suitable for those who lived during and near the days of the Prophet.

Islam, according to them, is only a link in the chain of human civilization—and the time has left it behind. One should not study it except in the way the archaeologists look at the artifacts from the earth.

We have nothing to discuss about the verse: *obey Allah and obey the Messenger and those vested with authority from among you,* with the persons holding the above-mentioned view. That view is based on a theory which would adversely affect all fundamentals of religion and the whole system established by the Prophet's traditions, including the basic gnosis and belief, moral values and rules of jurisprudence. If we look in this light at all that was done by the companions in the days of the Prophet and during his last Illness; at the disputes and strifes they caused; at the changes they made in some laws and systems established by the Prophet; at the happenings in the days of Muʿāwiyah and the caliphs who followed him, the Umayyads, then the ʿAbbāsids and then the later ones—and all things resemble one another—we shall arrive at a stunning conclusion.

A most astonishing view has been expressed about this verse by a writer, who has opined, "The verse, *obey Allah and obey the Messenger and those vested with authority from among you,* does not imply any of the things said by the exegetes—divided as they are among themselves:- "First, because the obligatoriness of *ulu al-amr's* obedience—whoever they might be—does not prove that they have any distinction or superiority over others. We are also obliged by religion to obey unjust oppressive rulers when there is no alternative, for the sake of warding off their evil,

1 Ahmad al-Amīn in *Fajr al-Islām*. [Auth.]

and those unjust rulers can never be superior to us in the sight of God.

"Second, because the order given in the verse is not unlike other religious commands which can be implemented only when its object is available. For example, it is obligatory to spend on poor, and forbidden to help oppressors; but it is not obligatory for us to create a poor or an oppressor in order that we could spend on him or resist from helping him, respectively."

Comment: The fallacy of these two 'reasons' is transparent. Add to it his supposition that *ulu al-amr* in the verse means rulers and kings, unsoundness of which has already been shown.

As for his first reason, he seems oblivious to the fact that the Qur'an is full of verses forbidding obedience of the unjust, the oppressors and the unbelievers. It was impossible for God to order us to obey them, after all that prohibition; and then to go a step further and join their obedience with His and the Messenger's obedience. If that obedience were allowed for the sake of one's safety, God would have used words like 'permission', etc., as He has done in one place: *except when you guard yourself against them for fear of them* (3:28). Not that He should clearly make their obedience compulsory, which would lead to all types of horrible results.

As for the second reason, it is based on the same assumption as the first one. However, if it is supposed that their obedience was made obligatory because they had a special status in religion, then they would be sinless, as explained earlier. And it is impossible for God to oblige us to obey someone who did not exist or who was rarely found—and this too in a verse which contained the most fundamental aspect of religious good, a factor without which the equilibrium of Islamic society could not be maintained. You have seen that the *ummah* needs *ulu al-amr* for the same reason it needs the Messenger for, that is, for guarding and managing the affairs of the *ummah.* We had talked on it when discussing about the decisive and ambiguous verses[1]. Now we return to our original topic.

It is now clear that it would be meaningless to interpret the phrase: *those vested with authority from among you,* as 'the people having influence and power' (whatever meaning we give to this latter phrase). The only meaning that is now possible is: Those individuals from among the *ummah* who are sinless, free from error and mistake in their speech and deeds, whose obedience has been made obligatory. The only way to

1 Vide *al-Mīzān* (Eng. transl.), vol. 5. [Trans.]

recognize them is through clear divine affirmation, either in His own words or through His Prophet. This explanation corresponds with what has been narrated from the Imāms of Ahl al-bayt that it is they who are the ones vested with authority.

As for the claim that *ulu al-amr* refers to the rightly guided caliphs, commanders of expeditions or religious scholars whose opinions and words are followed, it is rebutted on two counts:

First: The verse proves their sinlessness, and undoubtedly, none of these three groups was or is sinless—except what a group of Muslims believes about the right of ʿAlī

Second: All these interpretations are just claims without any evidence.

Objections have been raised against the explanation that the phrase refers to the sinless Imāms of Ahl al-bayt:

First Objection: In case this meaning were correct, it was necessary for God and the Messenger to clearly identify them [to the *ummah*]; and if it were done, no two persons would have disputed about them after the Messenger of God.

Reply: It is clearly mentioned in the Qur'an and the *sunnah,* like the verses of Guardianship, Purity and others; and the traditions like that of the Ark (The parable of my Ahl al-bayt is like the parable of Noah's Ark; whoever boarded it was saved, and whoever stayed away from it was drowned); and that of the Two Precious Things (Surely I am leaving among you two precious [or weighty] things, the Book of God and my offspring who are my Ahl al-bayt; as long as you would hold fast to both of them you would never go astray after me.). These have been quoted in the discourse on "Decisive and Ambiguous Verses" in the third [Ar.] volume [Eng. vol. 5]. There are also traditions about the *ulu al-amr,* narrated through Shīʿī and Sunnī chains, some of which will be given under coming "Traditions".

Second Objection: Their obedience is conditional to their identification, because an order to obey them without recognizing them would be a command to do the impossible. As their obedience is conditional, this verse cannot apply to them, because it is unconditional.

Reply: This objection bounces back to the objector. Every obedience [even of the people of influence and power] is conditional to their recognition. The only difference is that we may recognize the people of influence and power by ourselves without referring it to God and His Messenger, while a sinless Imām can be identified only through an

introducer. However the condition of recognition is equally present in both cases; so both should be contrary to the verse.

The fact is that although identification is counted as a condition, it is not like other conditions. It only means that when one is obliged to do something, he has to recognize the object of obligation and its other concomitants; but the obligation does not depend on it. If recognition were like other basic conditions which affect the obligation itself, like 'ability' for *hajj* or existence of water for *wudū*', then nobody would be obliged to do anything at all.

Third Objection: We are unable, these days, to reach a sinless Imām and learn knowledge and religion from him. Therefore, he cannot be the *ulu al-amr* whose obedience is obligatory for the *ummah,* because there is no way to have any contact with him.

Reply: This problem is created by the *ummah* itself, not by God or the Messenger. The *ummah* opted for wrong ways and was untrue to itself. Thus the responsibility and obligation to obedience stays unchanged. Suppose a nation killed its prophet. Can they claim that now they were unable to obey him because he was no more? Moreover, the objection may be directed to the objector himself, because nowadays there is not a single *ummah* in Islam in which the people of influence and power from among themselves could enforce what they would decide for it.

Fourth Objection: God says, *then if you quarrel about any thing, refer it to Allah and the Messenger.* If *ulu al-amr* means a sinless Imām, it was necessary to say, 'refer it to the Imām.'

Reply: Its reply has already been given in the Commentary; and it shows that it actually means referring to the Imām.

Fifth Objection: The believers who believe in a sinless Imām say that his obedience rescues the *ummah* from darkness of strife and evil of disagreement. But evidently the verse ordains a law related to quarrel—in spite of the existence of Imām and obedience of the *ummah.* It points to disagreement among the *ulu al-amr* themselves in reaching at a decision about some event or occurrence. But according to those who believe so, it is not possible to quarrel or dispute in presence of a sinless Imām, because in their views he is like the Messenger. Accordingly, this sentence would be without any purpose or benefit.

Reply: Its reply too is clear from the preceding commentary. The quarrel mentioned in the verse refers to the believers' disagreement concerning rules of the Qur'an and the *sunnah,* not concerning executive orders

issued by the Imām in various events and happenings. It was mentioned earlier that no one has any right to legislate a law other than God and His Messenger. If the quarreling parties are capable of inferring its law from the Qur'an and the *sunnah,* then they have the right to do so, or they could ask the Imām about it, because he is free from error in his opinion. But if they are unable to infer it, then the only way is to ask the Imām. It is just like the days of the Messenger of God when his contemporaries had the option of inferring the law from the Qur'an (if they could) or asking the Messenger of God about it; but in case they could not infer it, the only remedy was to ask him.

As the verse shows, the *ulu al-amr* are just like the Messenger in obligatoriness of their obedience. As for the believers' quarrel, the verse describes the procedure to be adopted, and it makes no difference whether the Messenger be present (as the following verses show) or absent (as the unrestrictedness of the verse proves). The order to refer the matter to God and the Messenger is, therefore, confined to the dispute among the believers themselves, as is shown by the word *if you quarrel;* it should be noted that God has not said, if those vested with authority quarrel; nor has He said, if they quarrel. The matter will be referred, in the presence of the Messenger, by asking him the relevant law or inferring it from the Qur'an and the *sunnah* (for those who have the ability to do so); and in his absence, the question is to be asked of the Imām, or its reply inferred as described above. Obviously, the sentence, *then if you quarrel about any thing* , is not without purpose or benefit, as the objector had claimed.

All this proves that the word, *ulu al-amr,* in this verse refers to some men from among the *ummah,* each of whom is similar to the Messenger in two aspects: He too is free from sin and mistake, and his obedience too is obligatory and compulsory. However, we do not say that the phrase, *ulu al-amr,* does not have a wider connotation according to language, or that it may not be used in a more general way if one wants to. But meaning of a word is one thing, and applying it to appropriate objects is another. For example, meaning of messenger is general, and it is used in the same meaning in this verse; yet the intended personality is of the Messenger of God, Muḥammad.

... then if you quarrel about any thing, refer it to Allah and the Messenger ...: It branches out from the restriction understood from the context. The proceeding sentence, obey God and obey the Messenger , makes obedience of God and the Messenger compulsory. This obedience

is in the sphere of religion which ensures erasure of every possible dispute and guarantees fulfilment of every possible need. It leaves nothing uncared for, and no referral is required to any one other than God and His Messenger. The sentence, thus, implies: obey God and do not obey *tāghūt.* This is the implied restriction which we have mentioned above.

The speech is addressed to the believers. It shows that the 'quarrel' refers to their dispute among themselves, and not to any putative quarrel between them and the *ulu al-amr,* nor to any supposed dispute among the *ulu al-amr* themselves. It is because the former, that is, quarrel among the believers and the *ulu al-amr,* goes against the obligation of their obedience, and the latter, that is, dispute among the *ulu al-amr* themselves, does not conform with obligatoriness of their obedience [which shows that they are always right] because in dispute one party is surely wrong. Moreover, this idea is not in accord with the verse, as it is addressed to the believers; God says: "then if you quarrel about any thing, refer it ...". The word, 'thing', is general and could possibly include all decisions and orders given by God, His Messenger and *ulu al-amr;* yet the next words, "refer it to God and the Messenger", show that the verse speaks about quarrel in something outside the direct responsibility of the *ulu al-amr.* They have full authority and control over executive matters which come within the area of their *wilāyah* (guardianship; mastership), like their order to join an expedition, to fight or to make peace, and so on. The order to refer a matter to God and the Messenger does not cover such things, because people are obliged to obey the *ulu al-amr* in these things. This sentence, therefore, is confined to religious laws only; no one, other than God and the Messenger, has any authority to issue or abrogate a law. The verse somewhat explicitly shows that no one has any right to manipulate any religious law explained by God and His Messenger, and *ulu al-amr* and others all are equal in this respect.

The proviso, *if you believe in Allah and the last day,* puts utmost emphasis to this order, and indicates that its contravention emanates from defect in belief. The order has a direct connection with faith; its contravention would show that although the person concerned pretended to believe in God and His Messenger, disbelief was hidden in his heart; and this is hypocrisy, as the following verses prove.

This is better and very good in the end: The indicative, 'this', points either to referring the matter in dispute or to obeying God, His Messenger and those vested with authority. *al-Taʾwīl* (translated here as "in the end")

refers to the underlying good on which the order is based and which is realized when the order is carried out. Its meaning has been explained in the third volume[1], under the verse, *seeking to give it (their own) interpretation, but none knows its interpretation except Allah* (3:7).

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنْزِلَ إِلَيْكَ وَمَا أُنْزِلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا ﴿٦٠﴾

(4:60) Have you not observed those who think that they believe in what has been revealed to you and what was revealed before you? They desire to resort to the judgment of tāghūt (Satan), though they were commanded to deny him, and the Satan desires to lead them astray into a far-reaching error.

al-Zaʿm means to think, to claim, no matter it conforms with reality or not. It is different from *al-ʿilm* (to know) which is used for a knowledge that conforms with fact. As *al-Zaʿm* is generally used for thoughts and claims not conforming with facts, people often think that this non-conformity is part of its connotation; but it is not so. *al-Tāghūt* is a *masdar* in the meaning of *al-tughyān* (to exceed proper bounds) on the paradigm of *al-rahbūt*, *al-jabarūt* and *al-malakūt*; but generally it is used for active participle in exaggerated sense. The Arabs say: *Taghā al-māʾ* (Water overflowed the banks). Its use for man began as an extended metaphor; then it became common until it is now taken as its real meaning; it indicates his exceeding the proper limits laid down by reason or sharīʿah. *al-Tāghūt* therefore means oppressor and tyrant, who rebels against, and discards the demands of divine worship showing hauteur against God. That is why scholars say that *al-tāghūt* refers to every one who is worshipped—other than God.

The words, *what has been revealed to you and what was revealed before you,* mean, what God has revealed to His messengers. This expression was preferred to the phrase, 'they believe in you and in those before you', because the talk is about obligation of referring disputed matters to the Book of God and its laws. It also indicates that the 'command' in the clause,

1 *al-Mīzān,* (Eng. transl.), vol. 5. [Trans.]

they were commanded to deny him, refers to the order contained in divine books and revelations sent to the prophets, Muḥammad and the preceding ones, may God bless him, his progeny and them all.

The opening words, "Have you not observed", clarify a possible query: Why has the order been given to obey God and obey the Messenger and those vested with authority [and to refer the disputes to them]? The reply: Have you not seen how they indulge in disobedience by resorting to the judgment of *tāghūt?* The question reflects pity; it is a matter of pity that they were doing so, while they claimed to believe in the Books revealed to you and the other prophets; these books were sent down to judge between the people in matters they disputed about. God has clearly said in the verse, *Mankind was but one nation; so Allah sent the prophets as bearers of good news and warners, and He sent down with them the book with truth, that it might judge between the people in that in which they differed ...* (2:213). Yet they resort to the judgment of *tāghūt* in their disputes, that is, to the judgment of those who have exceeded the limit, rebelled against divine religion and crossed the boundary of truth. They do so in spite of their being clearly ordered in these books to deny *tāghūt.* Was it not enough reason for forbidding them to resort to *tāghūt* for judgment, that it was tantamount to discarding the books of God and abrogating His laws?

The sentence at the end, *and the Satan desires to lead them astray into a far-reaching error,* shows that they did so coming under the Satan's influence and his misguidance, as he wanted to lead them into a far-reaching error.

وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنْزَلَ اللَّهُ وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنْكَ صُدُودًا ﴿٦١﴾

(4:61) *And when it is said to them: "Come* (taʿālaw) *to what Allah has revealed and to the Messenger", you will see the hypocrites turning away from you with (utter) aversion.*

Taʿālaw (come) is imperative of *al-taʿālī* (to rise); *sadda* (turned away). "Come to what God has revealed and to the Messenger", means, come to the law of God and to him who decides according to it. *turning away from you with (utter) aversion:* The speech is addressed to the Messenger alone, although they were called not to him alone, but to him and the book together. The verse comments on those who claimed to

believe in what was revealed by God; they were not unbelievers that they could openly reject the Book of God. Such people were in fact hypocrites, showing that they believed in what God had revealed, but turning away openly from His Messenger.

It clearly proves that any attempt to differentiate between God and His Messenger by accepting the order of God and hesitating about the order of the Messenger is unmitigated hypocrisy.

فَكَيْفَ إِذَا أَصَابَتْهُمْ مُصِيبَةٌ بِمَا قَدَّمَتْ أَيْدِيهِمْ ثُمَّ جَاءُوكَ يَحْلِفُونَ بِاللَّهِ إِنْ أَرَدْنَا إِلَّا إِحْسَانًا وَتَوْفِيقًا ﴿٦٢﴾

(4:62) ***But how will it be when misfortune befalls them on account of what their hands have sent before? Then will they come to you swearing by Allah: We did not desire (any thing) but good and concord.***

It is a warning that this turning away from the order of God and His Messenger, and resorting to the judgment of someone else, that is, *tāghūt,* is sure to bring misfortune in its wake, and its only cause will be this turning away from the order of God and His Messenger, and that resort to the *tāghūt's* judgment. The words, *Then will they come to you swearing by Allah: We did not desire (anything) but good and concord,* give prior information of their excuse that it was not with any bad intention that they had resorted to the *tāghūt's* judgment. The meaning thus will be as follows—and God knows better: If they persisted in that behavior, then how would they feel when its evil consequences overwhelmed them, and then they would rush to you swearing by the name of God that their only desire, in resorting to the judgment of other than the divine book and the Messenger, was to bring good and accord in society and removing the disagreement between the parties.

أُولَٰئِكَ الَّذِينَ يَعْلَمُ اللَّهُ مَا فِي قُلُوبِهِمْ فَأَعْرِضْ عَنْهُمْ وَعِظْهُمْ وَقُلْ لَهُمْ فِي أَنْفُسِهِمْ قَوْلًا بَلِيغًا ﴿٦٣﴾

(4:63) ***These are they of whom Allah knows what is in their hearts; therefore turn aside from them and admonish them, and speak to them effectual words concerning themselves.***

It is a rejection of their excuse. God did not describe what was in their heart, nor did He say that their motive was bad, because the words, *turn aside from them and admonish them,* were enough to expose it. If their intention was not bad, it would have been true and good; and God would not order His Messenger to turn aside from a person who spoke truth and described fact. The words, *and speak to them effectual words concerning themselves,* mean: Say to them such words as would reach their hearts and they would come to realize the evil of their activities; they should understand that it was hypocrisy which on coming in open was bound to bring God's wrath and punishment to them.

وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ ۚ وَلَوْ أَنَّهُمْ إِذْ ظَلَمُوا أَنْفُسَهُمْ
جَاءُوكَ فَاسْتَغْفَرُوا اللَّهَ وَاسْتَغْفَرَ لَهُمُ الرَّسُولُ لَوَجَدُوا اللَّهَ تَوَّابًا رَحِيمًا ﴿٦٤﴾

(4:64) ***And We did not send any messenger but that he should be obeyed by Allah's permission; and had they, when they were unjust to themselves, come to you and asked forgiveness of Allah and the Messenger had (also) asked forgiveness for them, they would have found Allah Oft-returning (to mercy), Merciful.***

It is an all-encompassing refutation of these hypocrites' evil-doings described above: resorting to *tāghūt's* judgment, turning aside from the Messenger, swearing and offering excuse of having intention of good and concord. All this is, in one way or another, disobedience of the Messenger of God, whether accompanied by any excuse or not. God has made his obedience compulsory without any restriction or condition; He has sent him only to be obeyed by God's permission. No one should imagine that it was only God's obedience that was required, while the Messenger was merely one of the human beings, who was obeyed only for people's good; and if such a result could be achieved without his obedience then there was no harm in going ahead independently, leaving the Messenger aside; otherwise it would mean associating him with God, and worshipping him. This attitude was reflected, every now and then, in their talk with the Messenger of God, when he took a decision about some important matter, and someone would ask him: Is it by God's order or by yours?

Therefore, God has made it clear that the obligation to obey the Prophet is all-encompassing and unconditional; it is nothing but God's obedience because it is by His permission. The verse in effect says what is

declared in the verse 80 of this same chapter: *whoever obeys the Messenger, he indeed obeys Allah.*

Then God says that if they had returned to God and His Messenger, repenting for the sin of disobeying the Messenger and turning aside from him, it would have been better than their swearing in the name of God and offering lame and useless excuses which could not please the Messenger of God, as God would inform him of the reality behind that facade. This is the import of the second half of the verse: *and had they, when they were unjust to themselves, come to you and asked forgiveness of Allah and the Messenger had (also) asked forgiveness for them, they would have found Allah Oft-returning (to mercy), Merciful.*

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ﴿٦٥﴾

(4:65) *But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement among them, and then do not find any straitness in their hearts as to what you have decided and submit with total submission.*

al-Shajr and *al-shajūr* (to mingle, to jumble). From it are derived *al-tashājur* and *al-mushājarah* (to quarrel, to dispute), as if the claim and counter-claims are mixed up and jumbled together; the same is the root of *al-shajar* (tree) because its branches look jumbled and mixed together; *al-haraj* straitness, tightness.

At first glance it appears that it is a rebuttal of the hypocrites' thinking that they believed in the Prophet even while resorting to the Satan's judgment. It seems to mean: This claim is not correct; they will not be counted as believers until they come to you for judgment and then do not find any straitness in their hearts when you gave your judgment. But the generality of the clause, *until they make you a judge ... total submission,* and that of the next verse, *And if We had prescribed for them ... except a few of them,* supports the view that this admonition is not restricted to the hypocrites; it covers others too inasmuch as they apparently think that mere acceptance of what God has revealed including gnosis and commands constitutes true belief in God, His Messenger and all that the Messenger has brought. But it is not so. True belief means total submission from the depth of one's heart as well as in appearance. How is it possible for true

believers not to submit to the Prophet's order in appearance (turning aside from him and going against him) or in their inner self by feeling straitness in their hearts when that judgment goes against their wishes. God has said to His Messenger, ... *that you may judge between people by means of that which Allah has taught you* (4:105). Now, if any one feels annoyed with the Prophet's judgment, he is in fact annoyed with God's judgment, because it is God who has made his obedience compulsory and given him authority to enforce his decisions.

If they surrendered to the Messenger's order and judgment without finding any straitness in their hearts on that account, they would have in fact surrendered to God's order and judgment, whether it be a legislative one or creative. It is one of the stages of faith, on reaching which a believer attains to many superior virtues (the most prominent being submission to God's order), and becomes free from many bad traits like finding straitness in heart and objecting to divine order by tongue or heart. The 'submission' required in the verse is general and comprehensive.

It is now clear that, although the wording of the verse, *But no! by your Lord! they do not believe with total submission,* apparently makes it restricted to the Prophet's judgment only (because it refers to their resorting to the judgment of someone else even when they were obliged to refer every dispute to the Prophet, yet its import is general and covers orders of God and His Messenger both, and in matters of legislation as well as creation, as described above. Not only that. It encompasses all judgments he delivered, all systems he established and all actions he performed, because the order is general; and it is not possible for the one who truly believes in God to reject, be annoyed or feel disturbed on account of a judgment, order or system that in any way emanates from God or His Messenger. Otherwise, it would be, to a certain degree, associating others with God. God says: *And most of them do not believe in Allah without associating others (with Him)*, (12:106).

وَلَوْ أَنَّا كَتَبْنَا عَلَيْهِمْ أَنِ اقْتُلُوا أَنْفُسَكُمْ أَوِ اخْرُجُوا مِنْ دِيَارِكُمْ مَا فَعَلُوهُ إِلَّا قَلِيلٌ مِنْهُمْ ۖ وَلَوْ أَنَّهُمْ فَعَلُوا مَا يُوعَظُونَ بِهِ لَكَانَ خَيْرًا لَهُمْ وَأَشَدَّ تَثْبِيتًا ﴿٦٦﴾

(4:66) ***And if We had prescribed for them: Kill yourselves or go forth from your homes, they would not have done it except a few***

of them; and if they had done what they were admonished, it would have certainly been better for them and most efficacious in strengthening (them).

It was described under the verse, *but Allah has cursed them on account of their unbelief, so they shall not believe but a few* (4:46), that this style indicates that the statement is applicable to the collective body of people, i.e., to the society as a whole, and that the exception only serves to remove any possible misunderstanding that it covers each and every member without sparing a single person. The exception, therefore, is rather separated than attached, or it falls between the attached and the separated exceptions inasmuch as it has two sides.

Therefore, the sentence, "they would not have done it except a few of them", describes the condition of the collective body that as a society they do not obey the orders which seem unpalatable to them and which affect the things to which their hearts are firmly attached like their lives and homes; and the exception of the few has been added to remove a possible misunderstanding.

The meaning: If We had prescribed for them and ordered them to kill themselves or go forth leaving their homes and places of residence which they were emotionally attached to, they would not have done it, would have disobeyed Us. Nevertheless, as the above statement could have given an impression that there was not among them even a single true believer who would submit to the command of God, this misunderstanding was removed by excepting a few of them; although the preceding statement in fact had not included them in the first place, because it had commented on the society *per se,* and had not looked at individual members except as components of that society.

It shows that the verse speaks about killing of the whole by whole group, and their collective dispersion from their villages and towns. It does not refer to individuals—that every one should kill himself or go out from his personal home. It is the same style as used in the verse, *therefore turn to your Creator (penitently), and kill your people* [lit.: yourselves] (2:54), because this verse too is addressed to the group, not to individuals.

***... and if they had done what they were admonished ...*:** The word 'prescribed' used at the beginning, has been changed here to 'admonished'. It is an indication that these directives given as commands and orders are in fact pointers leading to what contains their good and bliss. They are in their

essence admonitions and sympathetic guidance ordained for their good.

***... it would have certainly been better for them and most efficacious in strengthening (them)*:** That is, in all matters that concerns them in this world and the next. It is because the good of the next world is inseparable from this world's good; rather the former follows the latter. "Most efficacious in strengthening", i.e., strengthening their hearts and souls with true faith, as the speech revolves around faith. God has said: *Allah strengthens those who believe with the sure word in this world's life and in the hereafter* (14:27).

وَإِذًا لَآتَيْنَاهُمْ مِنْ لَدُنَّا أَجْرًا عَظِيمًا ﴿٦٧﴾

(4:67) *And then We would certainly have given them from Ourselves a great reward.*

That is, when they got strengthened with firm faith. The vagueness of "a great reward" has the same implication as the unrestrictedness of the clause, "better for them".

وَلَهَدَيْنَاهُمْ صِرَاطًا مُسْتَقِيمًا ﴿٦٨﴾

(4:68) *And We would certainly have guided them in the straight path.*

The meaning of the straight path was explained in the first volume under the verse, *Guide us to the straight path* (1:6).

وَمَنْ يُطِعِ اللَّهَ وَالرَّسُولَ فَأُولَئِكَ مَعَ الَّذِينَ أَنْعَمَ اللَّهُ عَلَيْهِمْ مِنَ النَّبِيِّينَ وَالصِّدِّيقِينَ وَالشُّهَدَاءِ وَالصَّالِحِينَ ۚ وَحَسُنَ أُولَئِكَ رَفِيقًا ﴿٦٩﴾

(4:69) *And whoever obeys Allah and the Messenger, these are with those upon whom Allah has bestowed favors from among the prophets and the truthful and the witnesses and the good ones; and excellent are these as companions.*

Obedience of God and the Messenger has been joined in this good news although the preceding verses had spoken specifically about the Messenger's obedience and submission to his command and judgment; it is because of some intervening verses referring to God, e.g., *And if We had prescribed for them.* The obligation therefore is of obeying God and

obeying His Messenger; as was clearly laid down in the beginning of this topic: *obey Allah and obey the Messenger …*

The words, "these are with those upon whom God has bestowed favors", show that the obedient ones would join the company of the prophets and the other favored ones, not that they would become one of them. Those bestowed with favors are the people of "the straight path"; and this phrase has not been attributed in the Qur'an to any one other than God, with exception of this group, as the Qur'an says: *Guide us to the straight path, the path of those upon whom Thou hast bestowed favors* (1:6–7). In short, the obedient ones will enjoy the company of the prophets, truthful ones, etc., without becoming themselves prophet, etc. Also, the end clause, "and excellent are these as companions", points to this direction. It was explained earlier that the favor specifically refers to mastership and guardianship.

Coming to these four groups, the prophets are recipients of revelation who are given news of the unseen. We know nothing more about them except what is seen of their achievements in society. Also it has earlier been described that *al-shuhadā'*, when used in the Qur'an, means witnesses of people's actions, not martyrs in the battle-field; and that the good ones are those who deserve favors from God.

As for the truthful ones, the word *al-Siddīq* is the exaggerative form of *al-Sidq* (truth). Truth occurs in speech as well as in acts. Truth in action means its conformity with the words, because it shows firm belief. When one is true in one's words, it gives a true picture of his inner belief without any contradiction; a word is true when it conforms with reality. As the speech itself is an action, the one who is truthful in action would not say except what he knows to be true and real. His words therefore are doubly true—the narration and the matter narrated both are true.

The truthful one, who never lies, is the one who does not do except what he knows to be right, without following his desires, and does not say except what he knows to be truth, and does not think except that which is true; he sees the reality of the things, says truth and does right.

In this way the ranks are fixed: The prophets (and they are the leaders and chiefs); then the truthful ones (and they are witnesses of realities and people's deeds); then the witnesses (who are witnesses of deeds); and lastly the good ones (who are qualified to receive divine favors).

The last word, *rafīqā* (companion) is accusative of specification; and means: as companion, in the manner of a companion. That is why it has

been used in singular form. Some others have said that it is a circumstantial clause and means: each of these is excellent as companion. In that case, the style is similar to that found in the verse, ... *then We bring you forth as baby* ... (22:5).

ذَٰلِكَ الْفَضْلُ مِنَ اللَّهِ ۚ وَكَفَىٰ بِاللَّهِ عَلِيمًا ﴿٧٠﴾

(4:70) ***This is grace from Allah, and sufficient is Allah as the Knower.***

The sentence begins with the indicative pronoun, *dhālika* (that), and that pronoun is made for distant objects; then the predicate *al-fadl* (grace) is strengthened with the definite article *al*. All these literary devices signify the magnificence of the grace, as though it is the grace in its totality. The verse ends with the mention of divine knowledge, because the preceding speech describes the ranks of faith and belief, which cannot be identified except by the divine knowledge.

It should be noted here that these noble verses have changed several times the style from first or second person to the third and vice versa without affecting the flow of speech or weakening their interlinked arrangement. The series begins addressing the believers in second person [*O you who believe*!], then talks of them in third person (*And if We had prescribed for them).* Likewise, God has mentioned Himself in the first verse in third person (*obey Allah*), then turns to first person plural (*And We did not send* ...), then at once to the third person in the same verse (*by permission of Allah*); then again to the first person plural (*And if We had prescribed*), and finally to third person (*And whoever obeys Allah*).

Likewise, the Messenger of God has been described in the first verse in third person (*and obey the Messenger*), then addressed in the second person (*come to you*) and then turns to third person (*and the Messenger had asked forgiveness for them*), then it turns again to second person (*by your Lord!*), it then turns third time to the third person (*And whoever obeys Allah and the Messenger*), and finally uses the demonstrative pronoun, *ulāʾika* (these) with second person pronoun *ka* (you). Altogether there are ten changes here, and the reasons are not difficult to understand for anyone who ponders on the context.

Examining Narrations

(1) Ibn Bābawayh has narrated through his chain from Jābir b.

ᶜAbdillāh al-Ansārī that he said: "When God, the Mighty, the Great, sent to His Prophet, Muḥammad, the verse, *O you who believe! obey Allah and obey the Messenger and those vested with authority from among you,* I said, 'O Messenger of God! We know God and His Messenger; but who are those vested with authority whose obedience God has conjoined to your obedience?' (The Prophet) said: 'They are my caliphs, O Jābir! and the Imāms of the Muslims after me. The first of them is ᶜAlī son of Abū Tālib, then al-Hasan, then al-Husayn, then ᶜAlī son of al-Husayn, then Muḥammad son of ᶜAlī who is mentioned as al-Bāqir in the Torah; you will surely meet him, O Jābir! when you see him convey my *salām* (greetings) to him. Then al-Sādiq Jaᶜfar son of Muḥammad; then Mūsā son of Jaᶜfar; then ᶜAlī son of Mūsā; then Muḥammad son of ᶜAlī; then ᶜAlī son of Muḥammad; then al-Hasan son of ᶜAlī; then Muḥammad (whose name and patronym will be the same as mine) son of al-Hasan son of ᶜAlī, the Proof of God on His earth and *Baqiyyatullāh* (the one kept safe by God) among His servants; he is the one by whose hands God, Sublime is His remembrance, will conquer the whole world from the east to the west; he it is who will remain hidden from his followers and friends for such a long period that no one will remain firm on the belief of his *imamah* except he whose heart has been tested by God for faith.' "

Jābir says: "I said: 'O Messenger of God! Will his followers get any benefit from him during his occultation?' (The Prophet) said: 'Certainly, by Him Who has sent me with prophethood! they will be guided by his light and benefit from his *wilāyah* (love, mastership) during his occultation as people benefit from the sun when it is hidden in cloud. O Jābir! this is part of the hidden secrets of God and the treasured knowledge of God. So keep it hidden except from the people who deserve to know.' " *(Tafsīr al-Burhān*)

Author's comments: al-Nuᶜmānī has narrated through his chain from Sulaym b. Qays al-Hilālī from ᶜAlī a tradition of the same meaning as above. Also ᶜAlī b. Ibrāhīm has narrated it through his chain from Sulaym from ᶜAlī. There are other traditions narrated through Shīᶜī and Sunnī chains, describing the *imāmah* of the above Imāms together with their names; which may be seen in *Yanābiᶜ al-mawaddah,* and al-Bahrārī's *Ghāyat al-marām* and other books.

(2) Jābir al-Juʿfī has said: "I asked Abū Jaʿfar about the verse, *obey Allah and obey the Messenger and those vested with authority from among you.* He said: 'The Imāms.' " (*al-Tafsīr,* al-ʿAyyāshī)

Author's comments: al-ʿAyyāshī has narrated in his *Tafsīr* another similar tradition through ʿUmar b. Saʾīd from Abu al-Hasan, in which the following reply is given: " ʿAlī b. Abī Tālib and the Imāms after him."

(3) Ibn Shahrāshūb narrates: "al-Hasan b. Sālih asked al-Sādiq about it and the Imām replied: 'The Imāms from the Ahl al-bayt of the Messenger of God.' "

Author's comments: A similar tradition has been narrated by al-Sadūq through Abū Basīr from al-Bāqir in which it is said: "The Imāms from the children of ʿAlī and Fātimah until the Hour (of resurrection) comes."

(4) Abū Masrūq has narrated a tradition from Abū ʿAbdillāh; he says: "I told him: 'We have discussion with theologians and we argue against them with the words of God, the Mighty, the Great, *obey Allah and obey the Messenger and those vested with authority from among you;* but they say: "It was revealed about the believers." And we argue against them with the words of God, the Mighty, the Great, *Say: I do not ask of you any recompense for it except the love for near relatives;* and they say: "It was revealed about the near relatives of the believers." Thus I did not leave anything like this which came to my mind but I mentioned it (to him).' Thereupon he said to me: 'In that case, call them to *al-mubāhalah* (imprecation).' I said: 'And how should I do it?' He said: 'Keep yourself good and happy for three days; keep fast; take bath; and go forth you and he to the mountains; then entwine your right hand's fingers in his fingers; then show justice to him and begin with yourself and say: "O God, the Lord of the seven heavens and the Lord of the seven earths, the Knower of the unseen and the seen, the Beneficent, the Merciful! If Abū Masrūq has rejected truth and claimed wrong, then send on him reckoning from the heaven and a painful chastisement." Then turn the same imprecation on him and say: "And if he (i.e., your adversary) has rejected truth and claimed wrong, then send on him reckoning from the heaven and a painful chastisement." '

"Then (the Imām, a.s.) said to me: 'Thus it will not be long that you will see it (chastisement) in him.' But, by God, I did not find

anyone who would answer to this call." (*al-Kāfī*)

(5) ᶜAbdullāh b. ᶜAjlān has narrated from Abū Jaᶜfar that he said about this verse of obedience: "It is about ᶜAlī and the Imāms; God has put them in places of prophets except that they do not make anything lawful or unlawful." (*al-Tafsīr,* al-ᶜAyyāshī)

Author's comments: The exception in this tradition confirms what was written in the Commentary that according to this verse legislating a law was reserved for God and His Messenger.

(6) Burayd b. Muᶜāwiyah has narrated that Abū Jaᶜfar recited: *"Obey Allah and obey the Messenger and those vested with authority from among you;* then if you fear a dispute about anything, refer it back to God and the Messenger and those vested with authority from among you." Then he said: "How can it be that He orders their obedience and then allows disputing with them? He (God) has said it to the rebellious ones who were told, *obey Allah and obey the Messenger."* (*al-Kāfī*)

Author's comments: All that this tradition shows is that the Imām was explaining the verse and elaborating on it; as we have described in the Commentary. It does not mean that the Imām was giving a separate version of the verse, as might be misunderstood by the word, 'recited'. A proof of what we have said may be found in the fact that different wordings have been used in other traditions [giving the same meaning, and even in the same tradition recorded in another book]. For example.

(7) Harīz has narrated from Abū ᶜAbdillāh that he said: "It was revealed, then if you quarrel about any thing, refer it to God and to the Messenger and to those vested with authority from you." (*al-Tafsīr,* al-Qummī). Also al-ᶜAyyāshī has narrated from Burayd b. Muᶜāwiyah from Abū Jaᶜfar (and it is the same tradition which has been quoted above from *al-Kāfī*), and this narration says, *inter alia:* "Then (God) said to the people, *'O you who believe!'*, and He has gathered [in this address] all the believers up to the Day of Resurrection; *obey Allah and obey the Messenger and those vested with authority from among you.* He has meant us particularly. Then if you fear a dispute about anything, refer it back to God and the Messenger and those vested with authority from among you. It was revealed in this way. And how would He order them to obey those vested with authority and then allow them to quarrel with them? It was said to those who were ordered [to obey and]

who were told: *Obey Allah and obey the Messenger and those vested with authority from among you.*" (*al-Tafsīr,* al-ʿAyyāshī)

(8) Abū Basīr has narrated from Abū Jaʿfar that he said: "It (i.e., the verse of obedience) was revealed about ʿAlī b. Abī Tālib." "I said to him: 'People say to us, "What was to prevent Him from naming ʿAlī and his Ahl al-bayt in His Book?" ' Abū Jaʿfar said: 'Tell them, "Verily God revealed (the order of) prayer to His Messenger; but He did not name three (*rakʿah*) or four, until it was the Messenger of God who explained it; and He revealed (the order of) *hajj* and did not reveal, 'circumambulate seven times', until the Messenger of God explained it. [Likewise] God revealed: *'obey Allah and obey the Messenger and those vested with authority from among you';* and it was revealed about ʿAlī and al-Hasan and al-Husayn (peace be on them); and he (the Messenger of God) said about ʿAlī: 'Whoever's master am I, ʿAlī is his master.' Also the Messenger of God said: 'I admonish you concerning the Book of God and my Ahl al-bayt; verily I have asked God not to let them be separated from each other until He brings them to the *hawd* (reservoir [of al-Kawthar]), and He has granted it to me.' And he said: 'Do not teach them because they are more knowledgeable than you; verily they shall never take you away from the gate of guidance and shall never let you enter the gate of misguidance.' If the Messenger of God had remained silent and not identified the people (of his Ahl al-bayt), surely the progeny of ʿAbbās, and the progeny of ʿAqīl and someone else's progeny would have claimed (to be among them); but God revealed in His Book: *Allah only desires to keep away the uncleanness from you, O people of the House! and to purify you a (thorough) purification* [33:33]; and ʿAlī and al-Hasan and al-Husayn and Fātimah (peace be on them) were the interpretation of this verse; so the Messenger of God took the hands of ʿAlī and Fātimah and al-Hasan and al-Husayn (blessings from God be upon them) and entered them under the mantle in the house of Umm Salamah and said: 'O God! every prophet had his precious things and his people; and these are my precious things and my people' Umm Salamah said: 'Am I not from your people?' He said: 'Verily you are (preceding) to good but these are my precious things and people of my (house).'. (*al-Tafsīr,* al-ʿAyyāshī)

Author's comments: al-Kulaynī has narrated in *al-Kāfī,* through his chain of narrators from Abū Basīr from the same Imām a similar tradition with minor differences in wordings.

(9) Ibn Shahrāshūb has quoted from *al-Tafsīr* of Mujāhid that this verse [of obedience] was revealed about the Leader of the faithful [ʿAlī] when the Messenger of God left him in Medina as his deputy. (ʿAlī) said: "O Messenger of God! Are you leaving me to look after the women and the children?" He [the Messenger of God] said: "O Leader of the faithful! Are you not pleased that you should have the same position with me as Aaron had with Moses, when (Moses) said to him: *'Take my place among my people, and act well'?* Then God said: *'and those vested with authority from among you'*." (The Imām then) said: " ʿAlī b. Abī Tālib, God appointed him as the master of the *ummah's* affairs after Muḥammad and when the Messenger of God made him take his place at Medina. Thus God ordered the servants to obey him (ʿAlī) and not to go against him." (*Tafsīr al-Burhān*).
Mujāhid has also narrated from Ibānah al-Falakī that it was revealed when Abū Buraydah complained against ʿAlī (*ibid.*)

(10) A tradition has been quoted in *ʿAbaqāt al-anwār* from *Yanābīʿ al-mawaddah* of al-Shaykh Sulaymān b. Ibrāhīm al-Balkhī who quotes from *al Manāqib,* from Sulaym b. Qays al-Hilālī from ʿAlī which, *inter alia,* says: [ʿAlī] said, "The least by which a servant goes astray is that he does not know the Proof of God, the Blessed, the Sublime, and His witness over His servants, whose obedience God has ordered and whose love and obedience made obligatory." Sulaym says, "I said, 'O Leader of the faithful! describe them to me.' He said, '(They are) those whom God has joined with Himself and His Messenger, and said: *O you who believe! obey Allah and obey the Messenger and those vested with authority from among you.*' I said to him, 'May God make me your ransom! explain (it) to me.' He said, 'Those (about whom) the Messenger of God had said in several places and his last sermon on the day when God, the Mighty, the Great, took him to Himself: "Surely I am leaving among you two things, you shall never go astray after me if you hold fast to them: the Book of God, the Mighty, the Great, and my progeny who are my Ahl al-bayt; because [God,] the Kind, the Knower, has promised me that they shall never be separated

(from each other) until they come to me at the Reservoir—like these two (saying this, the Prophet joined his index fingers together) and I do not say 'like these two' (saying which he joined his index and middle fingers together); so hold fast to them both and don't go ahead of them, otherwise you would go astray." ' "

Author's comments: Traditions narrated from the Imāms of Ahl al-bayt, giving similar meanings as above are very numerous. What we have presented here gives examples of all types of meanings described in traditions. Anyone wanting more details should consult collections of traditions.

As for ancient exegetes, they are divided about the meaning of the phrase, *ulu al-amr*. Some say, it means the rightly guided caliphs; others say, commanders of expeditions; a third group says, the scholars. al-Dahhāk has reportedly said that it refers to the companions of the Prophet; but it boils down to the third interpretation, because reportedly he has said: "They are companions of the Messenger of God as they were the callers (to Islam) and narrators of traditions.', Obviously, this reasoning is based on their knowledge, and this interpretation would ultimately mean the scholars.

It should be noted that many things and various stories have been reported concerning the reason of revelation of this verse; but if one ponders on them one would be in no doubt that all of them are mere attempts by the narrators to apply the verse on one or the other view or situation. We therefore have not quoted any of them as it was of no value. You may look into *al-Durr al-Manthūr* and *al-Tafsīr* of al-Ṭabarī and other books like them for verification of this observation.

(11) al-Barqī has narrated through his chain from Abu al-Jārūd that Abū Jaʿfar said about the verse, *But no! by your Lord! they do not believe until they ... submit with total submission:* "Submission is pleasure and satisfaction with His decree." (*al-Mahāsin*)

(12) ʿAbdullāh al-Kāhilī has said that Abū ʿAbdillāh said: "If a people worshipped God alone who has no partner, and established prayer, and gave *zakāt,* and performed *hajj* of the House, and fasted in the month of Ramadān, and then said about a thing done by God or by His Messenger, 'Why did he do this?' Or, 'If he had done it in another way [it would have been better]' or felt [annoyance] in their hearts, they would become polytheists because of it." Then he recited this verse, *But no! by your Lord!*

they do not believe until they make you a judge of that which has become a matter of disagreement among them, and then do not find any straitness in their hearts as to what you have decided and submit with total submission. Then Abū ʿAbdillāh said: "It is incumbent upon you to submit." (*al-Kāfī*)

(13) ʿAbdullāh b. Yahyā al-Kāhilī has narrated that he heard Abū ʿAbdillāh saying: "By God, if a people worshipped God alone who has no partner, and established prayer, and gave *zakāt,* and performed *hajj* of the House, and fasted in the month of Ramadān, and then said about a thing done of the Messenger of God, 'Why did he do this or that? or felt [annoyance] in their hearts, they would become polytheists because of it." Then he recited, *But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement among them, and then do not find any straitness in their hearts as to what*—Muḥammad and the progeny of Muḥammad—*have decided and submit with total submissio*n. (*al-Tafsīr*, al-ʿAyyāshī).

Author's comments: There are other traditions similar to these two. The meaning given by the Imām extends the theme of the verse on two counts: First, that the verse covers all decisions and decrees, be they legislative or creative; Second, it makes no difference whether the decision or decree was issued by God or by His Messenger.

It should be mentioned here that there are other traditions which apply the verse, *But no! by your Lord! they ... submit with total submission,* to the *wilayah* of ʿAlī or the *wilāyah* of the Imāms of Ahl al-bayt; they provide examples of applying a verse to one or the other of its prominent models. Certainly the verse is applicable to God, His Messenger and the Imāms of Ahl al-bayt, and it continues in them.

(14) al-Shaykh has narrated through his chain from ʿAlī that he said: "A man from the Helpers (*ansār*) came to the Prophet and said: 'O Messenger of God! I cannot bear separation from you; so much so that if I enter my home and remember you, I leave my property and come (here) for looking at you, in your love. Then I remembered that when the Day of Resurrection would come, you would be made to enter the Garden and raised to the highest level of *ʿilliyyīn* (highest place). Then how could I see you? O Messenger of God!' Then the verse was revealed: *And whoever obeys Allah and the Messenger, these are with those upon whom*

Allah has bestowed favors from among the prophets, and the truthful, and the witnesses, and the good ones; and excellent are these as companion! Thereupon the Prophet sent for the man and recited it to him and gave him the good news." (*al-Amālī,* al-Shaykh)

Author's comments: This theme is also narrated through Sunnī chains in *al-Durr al-Manthūr* quoting from al-Ṭabarānī, Ibn Marduwayh, Abū Nuʿaym (in *Hilyat al-awliyāʾ*) and al-Diyāʾ al-Maqdisī (in *Sifat al jannah,* saying that this tradition was 'good'), all narrating from ʿĀʾishah; also quoting from al-Ṭabarānī and Ibn Marduwayh both through al-Shaʿbī from Ibn ʿAbbās; and through Saʿīd b. Mansūr and Ibn al-Mundhir from al-Shaʿbī; and through Ibn Jarīr from Saʿīd b. Jubayr.

(15) Ibn Shahrāshūb has narrated from Anas b. Mālik from someone he had named from Abū Sālih from Ibn ʿAbbās that he said about this verse: *"And whoever obeys Allah and the Messenger, these are with those upon whom Allah has bestowed favors from among the prophets*—that is, Muḥammad—*and the truthful*—that is, ʿAlī, and he was the first to verify—*and the witnesses*—that is, ʿAlī, Jaʿfar, Hamzah, al-Hasan and al-Husayn, peace be on them."[1] (*Tafsīr al-Burhān*)

Author's comments: There are other traditions giving the same meaning.

(16) al-Bāqir said: "Help us with piety, because whoever met God with piety, would get happiness near God, as God, the Mighty, the Great, says: *And whoever obeys Allah and the Messenger ...*" After reciting the verse, he said: "So from us is the Prophet, and from us is the truthful, and from us are the witnesses and the good ones." (*al-Kāfī*)

(17) al-Sādiq has said: "The believers are of two kinds: (One is) a believer who fulfils the conditions God had imposed on him; he will be with *the prophets, and the truthful, and the witnesses, and the good ones; and excellent are these as companions!* and he is among those who will intercede and will not need intercession (by others); and he is among those who are not inflicted with terror of this world, nor of the hereafter. (Another is) a believer who has made mistakes. He is like a green stalk, which inclines

1 This tradition obviously interprets the word *al-shuhadāʾ* as martyrs, not witnesses. [Trans.]

to whichever direction wind pushes it and then returns to its position. He is among those who are inflicted with terrors of this world and that of the hereafter, and he would be interceded for; and he is on good." (*ibid.*)

Author's comments: *al-Sihāh* says: *"al-Khāmah* is a green soft plant." The Imām in this *hadīth* points to what was described in the Commentary of the verse, *The path of those upon whom Thou hast bestowed favors* (1:7), that 'favor' means *al-wilāyah* (love, mastership, friendship). This explanation thus corresponds with the verses, *Now surely the friends of Allah, they shall have no fear nor shall they grieve. Those who believed and were pious* (10:62–63). Terror of mishaps cannot reach the friends of God who rely on none other than God.

almizan.org

almizan.org

Verses 71-76

The preceding verse, as you may see, had prepared the ground for the central theme contained in these verses which stimulate and exhort the believers to fight in the way of God. The believers spent their days under very perilous circumstances when these verses were revealed, probably during the second spring of the Prophet's stay at Medina.[1] Arabs had risen against them from all around in order to extinguish the light of God and demolish the slowly rising edifice of Islam. The Messenger of God was busy in fighting the Meccan idol-worshipers and Qurayshite friends, sending precautionary expeditions to various directions and raising structure of religion in the society. But that society was honeycombed with groups of hypocrites, and those internal enemies enjoyed great power and influence. On the day of Uhud it was clearly seen that their number was not much less than half of the believers' number.[2] Those hypocrites used to upset the plans of the Messenger of God, and waited for him to meet with some disaster. They hindered the believers from carrying out their duties, while some of the believers too were not free from spiritual disease, and who used to give various informations to their enemies. All around, Medina was ringed with Jewish tribes who deceived and misguided the believers. From old days, Arabs of Medina respected those Jews and accorded them honor. Taking its advantage, the Jews misled them with false statement and wrong advice, in order to weaken their will and nullify

almizan.org

1 The *hadīth* of Jābir b. ʿAbdillāh al-Ansārī about the verse of obedience (quoted in the Traditions above) clearly indicates that it was revealed well after the birth of al-Husayn in Shaʿbān, 4th year of *hijrah*, because it mentions al-Hasan and al-Husayn (peace be on both) as if Jābir knew them and there was no need for the Prophet to tell him who they were.
Now, if these verses, exhorting to take precaution and to fight, were revealed in the second spring, that is, second year of *hijrah*, it is very difficult to claim that the preceding verses had prepared the ground for these, or that both series were revealed together. [Trans.]

2 It was mentioned in the traditions of the Battle of Uhud that the Prophet had left Medina for Uhud with a thousand men, three hundred of whom returned with ʿAbdullāh b. Ubayy (the leader of the hypocrites) and only seven hundred remained with the Prophet. [Auth.]

all their endeavors. On the other hand, they used to instigate the polytheists against the Muslims, and encourage the idol-worshippers in their struggle, telling them to remain firm in their denial and disbelief, and to harass and torture the believers who were still in Mecca.

The preceding verses aimed at nullifying the Jewish plots against the Muslims and to erase the effects of their malicious whisperings from the believers' hearts. The comment, in these verses, about the hypocrites aims at completing the believers' guidance and making them aware of the condition prevailing at that time, in order that they might have an insight into their actual position and be on guard against the hidden disease which had seeped into their society and infected a considerable population. It would also help in nullifying the conspiracies of their external enemies who had surrounded them; the light of religion would shine brightly illuminating the world, and God is sure to complete His light even if polytheists and unbelievers disliked it.

يَا أَيُّهَا الَّذِينَ آمَنُوا خُذُوا حِذْرَكُمْ فَانْفِرُوا ثُبَاتٍ أَوِ انْفِرُوا جَمِيعًا ﴿٧١﴾

(4:71) *O you who believe! take your precaution, then go forth in detachments or go forth in a body.*

al-Hidhr (instrument used for precaution, e.g., arms and ammunitions); it is also said that it is a *masdar* like *al-hadhar* (to be cautious). *al-Nafar* (to go forth, or proceed, towards intended destination); basically it means to be frightened; it is as though being frightened, one runs away from one place seeking refuge at the other. [The same word is used, with different prepositions, for both starting and finishing points.] *al-Thubāt* is plural of *al-thubbah* which means separate groups or bands; *thubātan* in the verse, therefore, means group after group; one group departs, then the other starts separately, and so on. This meaning is supported by parallelism of the clause, "go forth in detachments", and, "go forth in a body".

The order to go forth is based on the order to "take your precaution", as the conjunctive *fa* (then) shows. Apparently it strengthens the view that 'precaution' refers to means of precaution. That is, it alludes to fully-fledged preparation for *jihād.* The meaning: Take your arms, make full preparation and go forth to your enemy either in separate detachments (for minor expeditions) or all together (for major battles).

Understandably, preparation and equipment would differ from one operation to another, depending on number and power of enemy. The

alternatives of going forth in detachments or all together are not meant to give option or choice to the fighters; rather it looks at the strength and number of enemies—if they are few in number, go in small detachment, but if they are numerous, then go all together.

The verse, specially in the context of the next one, *And surely among you is he who would certainly hang back,* is a warning to the believers not to let down their arms, not to slacken their efforts and not to show any laxity in the conduct of *jihād;* otherwise, their morale will go down, their zeal for raising the standard of truth will be inflicted by inertia, holding back from fighting the enemies of God. In this way, they will lose the opportunity to cleanse the earth from uncleanness of disbelief and polytheism.

وَإِنَّ مِنْكُمْ لَمَنْ لَيُبَطِّئَنَّ فَإِنْ أَصَابَتْكُمْ مُصِيبَةٌ قَالَ قَدْ أَنْعَمَ اللَّهُ عَلَيَّ
إِذْ لَمْ أَكُنْ مَعَهُمْ شَهِيدًا ﴿٧٢﴾

(4:72) *And surely among you is he who would certainly hang back! If then a misfortune befalls you he says: "Surely Allah conferred a benefit on me that I was not present with them".*

[The Arabic sentence is: *wa inna minkum la-man la-yubattʾianna*] It is said that the first *la* is for beginning as it is attached to the subject of *inna*; and the second one is for oath because it is attached to the predicate; it is a verbal clause, emphasized with *nūn* which is intensified with doubling sign. *al-Tabtiah* and *al-ibtāʾ* both have the same meaning: to be tardy, to be late in a work.

The words, "among you is he", show that those who would hang back were from among the believers who have been addressed with, *O you who believe!* This view is supported also by a coming verse, *Have you no,* also were from among the believers, as the next words show, *but when fighting is prescribed for them, lo! a party of them fear men.* Then the next verse also points to it: *and if a benefit comes to them, they say: "This is from Allah"...* Likewise the words, *Therefore let those fight in the way of Allah ...,* and the following verse, *And what reason have you that you should not fight in the way of Allah ...,* as well as the verse, *Those who believe fight in the way of Allah ...,* prove it; all these verses aim at exhorting and urging the believers to fight, and the group of hangers back is certainly included among them, as the interlocking of the verses shows.

Apart from that, there is nothing in these verses to suggest that those tardy people were from among the hypocrites who had not believed except by tongue. Moreover, some of their words quoted in these verses show that to a certain extent there was faith and belief in their hearts; for example, *If then a misfortune befalls you he says: "Surely Allah conferred a benefit on me" ...;* and, *"Our Lord! why hast Thou ordained fighting for us?".*

Of course, some exegetes have written that the words, "among you is he", refers to hypocrites, and that they have been described as being 'among' the believers because they were generally counted among the believers' group. Or because they were from the same family tree, so they were from among the believers' clans or families. Or because they were joined with the believers in the laws of sharīʿah, e.g., their lives were protected and they inherited from believers and other rules too applied to them as they had apparently uttered the two witnesses.

But you have seen that such an explanation goes against the apparent meaning of the Qur'an without any valid reason.

However, let us see what was the reason which had compelled them to adopt this view. It was their inordinately good opinion of all the Muslims of the early days of Islam, i.e., anyone who saw the Prophet and believed in him. But if you make an in depth study of what history has recorded of their character and behavior during the life-time of the Prophet and after him, this opinion would be completely shaken. This blind faith will lose its hold if you ponder on the cutting remarks the Qur'an passes about them.

We have never heard till this day of any pure nation or group which was composed of hundred percent pure members, all of whom were, without any exception, true believers, firmly standing on truth, never slipping even a little from the straight path (except the martyrs of Karbalā, as reports say). The believers of the early days of Islam were no exception. They too, like other human groups had all types of people among them. There were hypocrites; there were those suffering from one or the other spiritual disease; there were some who followed their desire; and others whose weakness of character was open for all to see.

The distinction of the early Muslims rests on the fact that theirs was an excellent society headed by the Messenger of God; light of faith had enveloped it and rule of religion was enforced in it. This was the condition of the society, *per se;* although there were among them good as well

as bad elements; and there was virtue as well as vice in their psychological make up, and the whole spectrum of mental traits and natural dispositions was found among them.

That is how the Qur'an describes their condition and comments on their character. God says: *Muḥammad is the Messenger of Allah, and those with him are severe against the unbelievers, compassionate among themselves, you will see them bowing down, prostrating themselves, seeking grace from Allah and pleasure; their marks are in their faces because of the effect of prostration; that is their description in the Torah and their description in the Injīl; like as seed produce that puts forth its sprout, then strengthens it, so it becomes stout and stands firmly on its stem, delighting the sowers that He may enrage the unbelievers on account of them; Allah has promised those among them who believe and do good, forgiveness and a great reward* (48:29). Mark how the verse begins with description of their collective merits and virtues in general, without attaching any restriction or proviso; but when it comes in the end to individual members of the society, the forgiveness and reward is made conditional to their belief and good deeds.

... If then a misfortune befalls you: that is, if you are slain or wounded; *he says: "Surely Allah conferred a benefit on me that I was not present with them";* otherwise, I too would have suffered as they did.

وَلَئِنْ أَصَابَكُمْ فَضْلٌ مِنَ اللَّهِ لَيَقُولَنَّ كَأَنْ لَمْ تَكُنْ بَيْنَكُمْ وَبَيْنَهُ
مَوَدَّةٌ يَا لَيْتَنِي كُنْتُ مَعَهُمْ فَأَفُوزَ فَوْزًا عَظِيمًا ﴿٧٣﴾

(4:73) *And if grace from Allah comes to you, he would certainly cry out, as if there had not been any friendship between you and him: "Would that I had been with them, then I should have attained a mighty good fortune".*

"And if grace from God comes to you" that is, spoils or war, etc.; 'grace' refers to wealth and riches, and similar other things; *he would certainly cry out, as if there had not been any friendship between you and him: "Would that I had been with them":* The words portray their condition in dramatic style. After all, they are believers, and the Muslims are limbs of one body; they are joined together with the strongest band—belief in God and His revelation—which controls all other relationships, be it family-tie, guardianship, pledge of allegiance or friendship. But their faith is so weak that

they do not feel there was any connection between them and the believers. That is why they express their wish to be present with the believers in *jihād,* as a stranger expresses his desire when he sees someone acquire some wealth: *Would that I had been with them, then I should have attained a mighty great fortune.* The weakness of their faith and belief is reflected in the high esteem they accord to spoils of war and in their counting the acquirement of worldly riches as 'a mighty good fortune'; while they treat every trouble faced by the believers—being killed or wounded or undergoing other hardships—as 'a misfortune'.

فَلْيُقَاتِلْ فِي سَبِيلِ اللَّهِ الَّذِينَ يَشْرُونَ الْحَيَاةَ الدُّنْيَا بِالْآخِرَةِ ۚ وَمَنْ يُقَاتِلْ فِي سَبِيلِ اللَّهِ فَيُقْتَلْ أَوْ يَغْلِبْ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا ﴿٧٤﴾

(4:74) ***Therefore let those fight in the way of Allah, who sell this world's life for the hereafter; and whoever fights in the way of Allah, then be he victorious, We shall grant him a great reward.***

"It is said, *sharaytu* that is, I sold; and *ishtarayatu* that is, I bought. The meaning will be as follows: They sell this world's life in exchange for the hereafter." (*Majmaʿ al-Bayān*)

The verse branches out from the preceding exhortation of *jihād* and condemnation of those who hold back from going forth for it. It urges them again to fight in the way of God by reminding them that all of them were believers who had already sold their worldly life—by accepting the Islam—and bought the hereafter in exchange, as God has said in another place: *Surely Allah has bought of the believers their persons and their properties for this, that they shall have the garden* (9:111). Then it expounds the desirable benefit of that fighting, by showing that it brings in a great reward in any case: *and whoever fights in the way of Allah, then be he slain or be he victorious, We shall grant him a great reward.*

It makes it clear that the endeavors of a fighter in the way of God are sure to bring in one of the two good results: either he will be killed in the way of God or gain victory over the enemy of God; and in either case he shall find a great reward from God. It does not mention the third possibility, that is, defeat and retreat; it is a hint that a fighter in the way of God never retreats, never runs away.

The possibility of being slain is mentioned before that of victory, because martyrdom has much greater and more confirmed reward. A

fighter who vanquishes an enemy of God is certainly eligible for a great reward; but there is always a danger of forfeiture, if he committed some sins which would make his good deeds forfeit, or if he indulged in evil acts after that. But there is no such risk in martyrdom, as it is the end of this world's life and beginning of that of the hereafter. A martyr therefore is sure to get his great reward in full, while the victorious fighter in the way of God may only hope to get his full reward.

وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَٰذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ نَصِيرًا ﴿٧٥﴾

(4:75) ***And what reason have you that you should not fight in the way of Allah and of the weak among the men and the women and the children, (of) those who say: "Our Lord! take us out of this town, whose people are oppressors, and make for us from Thee a guardian and give us from Thee a helper".***

The word, 'weak', is in conjunction with the name of God. The verse uses the style of questioning for spurring and invigorating the believers to fight. It reminds them that their fighting is in the way of God (and the only goal of your blessed life is to attain His pleasure, and no felicity is more blissful than His nearness), and in the way of your weak men, women and children.

This verse, in fact, uses a very effective style to exhort, urge and incite the whole believing community to fight. As for the sincere pure-hearted believers, it should be enough for them that God was calling them; they would stand up for truth, answer the call of their Lord and respond with all their might to the Messenger's invitation. As for other believers, if that was not enough, they should realize that, apart from its being a *jihād* in the way of God, it is also a fight in the way of their own men, women and children who are suffering at the hands of the unbelievers; let them have a zealous sense of honor and partisanship and fight for those weakened fellow-religionists.

Islam initially negates every relationship through blood relation or other causes except the relationship of faith. Once a person becomes a Muslim, his/her other relationships are re-instated [in the framework of

Islam]. Now it becomes incumbent on a Muslim to offer sacrifices to save his Muslim brother who is related to him through faith; also he must do so in case of his other relatives—men, women and children—if they are Muslims, as this sacrifice of wealth and life will actually be an offering in the way of God [as it will be for safety of the Muslims].

Those weak ones who, being related to these believers, are a part of them, are true believers. See how they pray to God, saying: *"Our Lord! take us out of this town"*. Also they are humiliated, oppressed and tortured by the polytheists; they are crying out and asking for divine help; *"Our Lord! take us out of this town, whose people are oppressors"*. The oppression mentioned here is general; also it does not say that those people were indulging in sins and were therefore unjust to themselves. The clear meaning is that the town's people were oppressing and tormenting them with various kinds of torture—as the history confirms.

Their call for help was couched in a sublime style with excellent wordings. They did not say: 'O our men!', 'O our leaders!', 'O our people!' or 'O our clan!'. God says that they called their Lord and sought help from their True Master; they said: *"Our Lord! take us out of this town, whose people are oppressors"*. Then they pointed to the Prophet and the brave believers who were with him, saying: *and make for us from Thee a guardian and give us from Thee a helper.* They wished that they should have a guardian and a helper, but they prayed to their Lord, the True Guardian and Helper, to give them human guardian and helper.

Sense of Honor Vis-a-vis Bigotry

Look at the divine manner manifested by the Honored Book; and compare it with our own natural instinct—you will see a wonderful reality. No doubt, there is an instinct ingrained in human nature which inspires man to stand for the defence of things he holds dear and considers them as inviolable, like children, women, dignity, national honor and things like that. It is a dictate of nature and is the mainspring of many human actions. But this defence is sometimes praiseworthy, if it is on right course and for right cause; at other times it is blameworthy and causes infelicity and disturbance in society, if it is unjustified and against the truth.

Islam accepts it in principle to the extent the nature demands, but it nullifies all its details. After erasing all traces of base instincts, it diverts it towards God, turning it away from all worldly things. Reaching this stage, it allows it to function in many of the original situations, but

moulding it in the matrix of monotheism. It urges man to have a zealous sense of honor for his men, women and children, in short for his every right—gearing it to God's pleasure. Thus Islam confirms the dictate of nature, but cleanses it of polluted desires and unhealthy emotions; it purifies it and turns it into a safe highway which man proceeds on, helped by his nature. Islam takes it out from darkness of conflict to light of concord and peace. There is no contradiction or disharmony in various parts or aspects of the sense of honor which Islam encourages man to have, and regulates its application. All share the basic characteristics of being various aspects of monotheism, and manifestation of following the truth. Accordingly, all its relevant directives and rules have turned into broad-based, lasting and comprehensive principles, without any contradiction or discordance.

الَّذِينَ آمَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّهِ ۖ وَالَّذِينَ كَفَرُوا يُقَاتِلُونَ فِي سَبِيلِ الطَّاغُوتِ فَقَاتِلُوا أَوْلِيَاءَ الشَّيْطَانِ ۖ إِنَّ كَيْدَ الشَّيْطَانِ كَانَ ضَعِيفًا ﴿٧٦﴾

(4:76) ***Those who believe fight in the way of Allah, and those who disbelieve fight in the way of the Satan. Fight therefore against the friends of the Satan; surely the strategy of the Satan is weak.***

The first part of the verse indicates a comparison between the believers and the unbelievers in their respective styles of fighting; or more precisely, in the two groups' motives of fighting. This comparison clearly shows the excellence of the believers' way over that of the unbelievers. The way of the believers leads to, and relies on God, in sharp contrast to the unbelievers' way. This provides another motivation for the believers to fight.

... Fight therefore against the friends of the Satan; surely the strategy of the Satan is weak: The unbelievers by following the Satan's way have gone out from the guardianship of God. Now they have no guardian or friend except the Satan who is the friend of polytheists and of those who worship other than God. So, he is their friend and they are his friends.

The strategy of the Satan is weak, because it is the way of *tāghūt* which is against the way of God, and all power and strength belongs to God alone. Now, nothing is left for the way of *tāghūt,* that is, for the strategy of the Satan, except weakness. By exposing the weakness of the unbelievers' way, God encourages the believers to fight against

them. Obviously, the statement that the Satan's strategy is weak *vis-a-vis* the power of God, is not a denial of its hold on those who follow their desires.

Examining Narrations

(1) [al-Ṭabrisī] has written under the verse, *O you who believe! take your precaution ...:* "Arms have been called 'precaution', because it is the instrument with which one guards oneself from danger." He has further written that this meaning is narrated from Abū Jaʿfar. Again he writes: "It has been narrated from Abū Jaʿfar that *in detachments* means (small) expeditions, and *in a body* refers to the army." (*Majmaʿ al-Bayān*)

(2) Sulaymān b. Khālid has narrated from Abū ʿAbdillāh that he said: *"O you who believe!;* He has called them believers, but they were not believers, and it is no honor (for them)." (Then) he recited: *O you who believe! take your precaution, ...then I should have attained a mighty good reward;* then he said: "If (all) the inhabitants of the heaven and the earth had said, 'Surely God conferred a benefit on me that I was not with the Messenger of God', they would have become polytheists; and when a grace from God comes to the believers, he says: 'Would that I had been with them, then I would have fought in the way of God.' " (*al-Tafsīr,* al-ʿAyyāshī)

Author's comments: This theme has been narrated also by al-Ṭabrisī in *Majmaʿ al-Bayān,* and by al-Qummī in his *al-Tafsīr,* from the Imām. The polytheism in this *hadīth* refers to the inner polytheism, nat to the open disbelief which deprives man from the protection of Islam—and we have explained it earlier.

(3) Humrān has narrated that al-Bāqir said about the verse, ... *and of the weak among the men ...:* "We are those." (*ibid.*)

Author's comments: The same book has narrated the same meaning through Sumāʿah from al-Sādiq , and its wording is as follows:

> "And as for His word, *and of the weak among the men ...,* those are we." These two traditions do not aim at giving the explanation of the verse; they fit it on an obviously very apt situation; it is a painful complaint against the rebellious oppressors of this *ummah.*

(4) al-Suyūtī writes: It has been narrated by Abū Dāwūd (in his *al-Nāsikh*), Ibn al-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his *al-Sunan*) through ʿAtāʾ from Ibn ʿAbbās that he said about the

(verse of the) chapter of "The Women": *take your precaution, then go forth in detachments, or go forth in a body:* "It was abrogated by (the verse), *And it does not beseem the believers that they should go forth all together, ...* [9:122]."

Author's comments: The two verses are not mutually contradictory, so that it could be said that the latter had abrogated the former, and this non-contradictoriness is quite obvious. Even if there were any contradictoriness, it would have amounted to particularization or restriction, not abrogation.

(Chapter 4 continues in Eng. Vol. 9)

The end. All praise be to Almighty God.

almizan.org

almizan.org